



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 694333 §
issued to ARMAND VALENZUELA ESCANILLA §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 694333, issued to ARMAND VALENZUELA ESCANILLA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Baccalaureate Degree in Nursing from the Philippines on March 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on March 4, 2003.
4. Respondent's nursing employment history is unknown.

5. On or about December 31, 2009, while holding a license as a Registered Nurse in the State of Texas, Respondent was issued a Default Decision and Order by the Board Of Registered Nursing, Department Of Consumer Affairs, State Of California wherein Respondent's license to practice professional nursing in the State of California, 647709, was Revoked for four (4) Causes for Discipline, Sexual Misconduct, Battery, Electronic Communication With Intent To Annoy and Unprofessional Conduct. A copy of the December 31, 2009 Default Decision and Order by the Board of Registered Nursing is attached and incorporated, by reference as part of this Order.
6. On February 9, 2010, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of Respondent's notarized statement, dated February 9, 2010, is attached and incorporated herein by reference as part of this Order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(8), Texas Occupations Code.
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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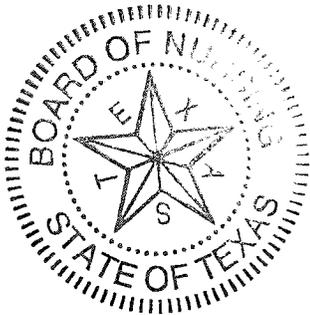
ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 694333, heretofore issued to ARMAND VALENZUELA ESCANILLA, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

Effective this 2nd day of February, 2010.



TEXAS BOARD OF NURSING

By:

Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

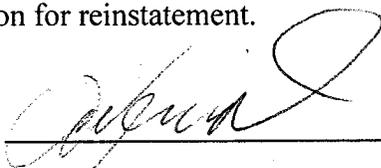
Armand Valenzuela Escanilla
200 Northpines Drive, Apt. 918
Kingwood, Texas 77339
Texas RN License #694333

Voluntary Surrender Statement

January 12, 2010

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature 

Date FEB 9, 2010

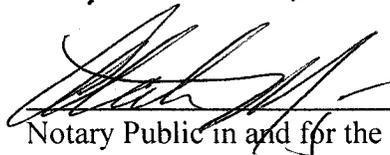
Texas Nursing License Number 694333

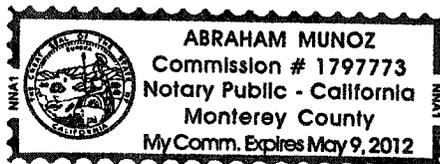
The State of Texas

Before me, the undersigned authority, on this date personally appeared Armand Valenzuela Escanilla who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the 9 day of February, 2010.

SEAL


Notary Public in and for the State of California



1. EDMUND G. BROWN JR.
Attorney General of California
2. FRANK H. PACOE
Supervising Deputy Attorney General
3. CHAR SACHSON
Deputy Attorney General
4. State Bar No. 161032
455 Golden Gate Avenue, Suite 11000
5. San Francisco, CA 94102-7004
Telephone: (415) 703-5558
6. Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-326

13 **ARMAND VALENZUELA ESCANILLA**

DEFAULT DECISION AND ORDER

14 Respondent.

[Gov. Code, §11520]

15 FINDINGS OF FACT

16 1. On or about June 29, 2009, Complainant Ruth Ann Terry, M.P.H., R.N., in her
17 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
18 Consumer Affairs, filed Accusation No. 2009-326 against Armand Valenzuela Escanilla
19 (Respondent) before the Board of Registered Nursing.

20 2. On or about November 9, 2004, the Board of Registered Nursing (Board) issued
21 Registered Nurse License No. 647709 to Respondent. The Registered Nurse License was in full
22 force and effect at all times relevant to the charges brought herein and will expire on January 31,
23 2010, unless renewed.

24 3. On or about July 2, 2009, Anh Ho, an employee of the Department of Justice, served
25 by Certified and First Class Mail a copy of the Accusation No. 2009-326, Statement to
26 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
27 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is:
28

1. 2336 N. Main Street, Apt. B, Salinas, CA 93906

2 and to the following alternate address:

3 2217 Driftwood Park Drive, Modesto, CA 95355.

4 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c).

7 On or about July 16, 2009, the aforementioned documents were returned by the U.S. Postal
8 Service marked "Moved Left No Forward."

9 5. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
11 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
12 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
13 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

14 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
15 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2009-
16 326.

17 6. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
19 agency may take action based upon the respondent's express admissions or upon other evidence
20 and affidavits may be used as evidence without any notice to respondent.

21 7. Pursuant to its authority under Government Code section 11520, the Board finds
22 Respondent is in default. The Board will take action without further hearing and, based on the
23 evidence on file herein, finds that the allegations in Accusation No. 2009-326 are true.

24 8. The total cost for investigation and enforcement in connection with the Accusation
25 are \$2,415.50 as of July 22, 2009.

26 DETERMINATION OF ISSUES

27 1. Based on the foregoing findings of fact, Respondent Armand Valenzuela Escanilla
28 has subjected his Registered Nurse License No. 647709 to discipline.

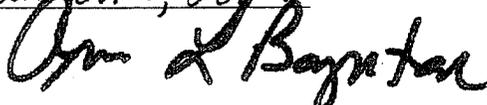
- 1. 2. A copy of the Accusation is attached.
- 2. 3. The agency has jurisdiction to adjudicate this case by default.
- 3. 4. The Board of Registered Nursing is authorized to revoke Respondent's Registered
- 4 Nurse License based upon the following violations alleged in the Accusation:
 - 5 a. Sexual Misconduct (Business and Professions Code sections 2761(a), 2761(d), and
 - 6 726 and/or Penal Code section 243.4);
 - 7 b. Battery (Business and Professions Code sections 2761(a), 2761(d), and/or Penal Code
 - 8 section 242);
 - 9 c. Electronic Communication with Intent To Annoy (Business and Professions Code
 - 10 sections 2761(a), 2761(d), and/or Penal Code section 653m); and
 - 11 d. Unprofessional Conduct (Business and Professions Code sections 2761(a), 2761(d))

ORDER

14 IT IS SO ORDERED that Registered Nurse License No. 647709, heretofore issued to
15 Respondent Armand Valenzuela Escanilla, is revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
17 written motion requesting that the Decision be vacated and stating the grounds relied on within
18 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
19 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

20 This Decision shall become effective on December 31, 2009.

21 It is so ORDERED December 1, 2009


FOR THE BOARD OF REGISTERED NURSING

DEPARTMENT OF CONSUMER AFFAIRS

DOJ docket number: SF2009404015

Attachment:

Exhibit A: Accusation No. 2009-326

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 CHAR SACHSON
Deputy Attorney General
4 State Bar No. 161032
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2009-3266

11 **ARMAND VALENZUELA ESCANILLA**
12 2336 N. Main Street
13 Apt. B
Salinas, CA 93906

ACCUSATION

14 2217 Driftwood Park Drive
15 Modesto, CA 95355
Registered Nurse License No. 647709

16 Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.
- 24 2. On or about November 9, 2004, the Board of Registered Nursing issued Registered
25 Nurse License Number 647709 to Armand Valenzuela Escanilla (Respondent). The Registered
26 Nurse License was in full force and effect at all times relevant to the charges brought herein and
27 will expire on January 31, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it."

...

6. Section 726 of the Code states:

"The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3.

"This section shall not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship."

1 “(f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the
2 skin of another person whether accomplished directly or through the clothing of the person
3 committing the offense.

4 “(g) As used in this section, the following terms have the following meanings:

5 “(1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the
6 breast of a female.

7 “(2) “Sexual battery” does not include the crimes defined in Section 261 or 289.

8 “(3) “Seriously disabled” means a person with severe physical or sensory disabilities.

9 “(4) “Medically incapacitated” means a person who is incapacitated as a result of
10 prescribed sedatives, anesthesia, or other medication.

11 “(5) “Institutionalized” means a person who is located voluntarily or involuntarily in a
12 hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

13 “(6) “Minor” means a person under 18 years of age.

14 “(h) This section shall not be construed to limit or prevent prosecution under any other law
15 which also proscribes a course of conduct that also is proscribed by this section.

16 “(i) In the case of a felony conviction for a violation of this section, the fact that the
17 defendant was an employer and the victim was an employee of the defendant shall be a factor in
18 aggravation in sentencing.

19 “(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor
20 when the person has a prior felony conviction for a violation of this section shall be guilty of a
21 felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not
22 exceeding ten thousand dollars (\$10,000).”

23 8. Penal Code Section 653m provides, in pertinent part:

24 “(a) Every person who, with intent to annoy, telephones or makes contact by means of an
25 electronic communication device with another and addresses to or about the other person any
26 obscene language or addresses to the other person any threat to inflict injury to the person or
27 property of the person addressed or any member of his or her family, is guilty of a misdemeanor.

28

1 Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good
2 faith.

3 “(b) Every person who, with intent to annoy or harass, makes repeated telephone calls or
4 makes repeated contact by means of an electronic communication device, or makes any
5 combination of calls or contact, to another person is, whether or not conversation ensues from
6 making the telephone call or contact by means of an electronic communication device, guilty of a
7 misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts
8 made in good faith or during the ordinary course and scope of business.”

9
10 9. Penal Code section 242 provides:

11 “Battery defined. A battery is any willful and unlawful use of force or violence upon the
12 person of another.”

13 10. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
14 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
15 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
16 Code, the Board may renew an expired license at any time within eight years after the expiration.

17 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 **FACTUAL BACKGROUND**

22 12. On or about August 26, 2006, Respondent was working as a registered nurse at
23 Salinas Valley Memorial Hospital in Salinas, California. Patient C.D., a 49 year old male, was
24 seen in the Emergency Department at Salinas Valley Memorial Hospital for severe nausea and
25 dizziness. C.D. was admitted to the hospital for observation because he was not rousable due to
26 administration of sedatives and other medication. While caring for patient C.D. early in the
27 morning of August 26, 2006, and while C.D. was semi-conscious, Respondent masturbated C.D.,
28 and placed a gloved finger inside C.D.’s anus.

1 THIRD CAUSE FOR DISCIPLINE

2 (ELECTRONIC COMMUNICATION WITH INTENT TO ANNOY)

3 18. Respondent is subject to disciplinary action under sections 2761(a), and/or 2761(d),
4 and/or Penal Code section 653m, in that he made contact by means of an electronic
5 communication device with D.D. with intent to annoy, and transmitted obscene language, as
6 alleged above in paragraph 13.

7 FOURTH CAUSE FOR DISCIPLINE

8 (UNPROFESSIONAL CONDUCT)

9 19. Respondent is subject to disciplinary action under sections 2761(a), and/or 2761(d),
10 in that he committed unprofessional conduct with patient C.D., as alleged above in paragraph 12.

11 20. Respondent is further subject to disciplinary action under sections 2761(a), and/or
12 2761(d), in that he committed unprofessional conduct with patient D.D., as alleged above in
13 paragraph 13.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 647709, issued to
18 Armand Valenzuela Escanilla.

19 2. Ordering Armand Valenzuela Escanilla to pay the Board of Registered Nursing the
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 125.3;

22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 6/29/09

Stacie Bruma
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

for
25
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27
28
Complainant

SF2009404015