

Respondent's vocational nursing employment history continued:

2007 - Unknown	LVN	Princeton Place Health Care San Antonio, Texas
2007 - 2008	LVN	Huebner Creek Health Care San Antonio, Texas
2009 - Present	LVN	Sonterra Health Care San Antonio, Texas

6. On or about February 13, 2006, Respondent disclosed the following to the Board of Nurse Examiners for the State of Texas:
 - 6a. On or about January 25, 1989, Respondent was convicted of DRIVING UNDER INFLUENCE LIQUOR, in the County Court No. 7 of Bexar County, Texas, under Cause No. 416494. As a result of the conviction, Respondent was placed on probation for a period of two (2) years, and ordered to pay and fine and court costs.
 - 6b. On or about November 19, 1999, Respondent was convicted of DRIVING WHILE INTOXICATED, in the County Court No. 2 of Bexar County, Texas, under Cause No. 713329. As a result of the conviction, Respondent was sentenced to ninety (90) days confinement in the Adult Detention Center of Bexar County, with the imposition of the sentence being suspended, and Respondent was placed on probation for a period of six (6) months. Additionally, Respondent was ordered to pay a fine and court costs.
7. On or about November 13, 2006, Respondent underwent an Addiction Specialist Assessment with John T. Pichot, M.D., wherein Dr. Pichot advised the following:

"In my opinion, Ms. Herrera appears clinically stable and has no psychiatric disorder warranting further assessment or treatment at this time.
She does not appear to have ever met full criteria for Alcohol Dependence Disorder."
8. On or about December 14, 2006, Respondent was deemed eligible to sit for the National Council Licensure Examination for Vocational Nurses (NCLEX-PN Examination) and to practice as a Graduate Vocational Nurse, by the Board of Nurse Examiners for the State of Texas.
9. On or about April 13, 2009, Respondent entered a plea of guilty and was convicted of DRIVING WHILE INTOXICATED 3RD OR MORE, (a 3rd Degree Felony offense committed on November 18, 2007), in the 175th District Court of Bexar County, Texas, under Cause No. 2007-CR-10882. As a result of the conviction, Respondent was sentenced to three (3) years confinement in the Texas Department of Criminal Justice - Institutional Division, with the imposition of the sentence suspended, and Respondent was placed on community supervision for a period of three (3) years. Additionally, Respondent was ordered to pay a fine and court costs.

10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
11. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 violations of Section 301.452(b)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 207925, heretofore issued to PATRICIA HERRERA, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 207925, heretofore issued to PATRICIA HERRERA, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational 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 privilege, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 20 day of July, 2009.

[Handwritten Signature]

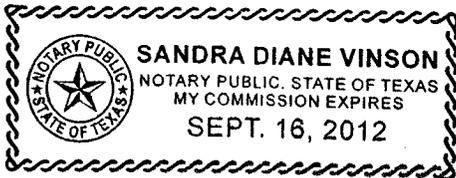
PATRICIA HERRERA, Respondent

Sworn to and subscribed before me this 20th day of July, 2009.

[Handwritten Signature]

Notary Public in and for the State of Texas

SEAL



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 207925, previously issued to PATRICIA HERRERA.

Effective this 21st day of July, 2009.




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