



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 P. Roman
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 596764 §
issued to JOSEPH FRANCIS SCARANO § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 596764, issued to JOSEPH FRANCIS SCARANO, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice professional nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Baccalaureate Degree in Nursing from Corpus Christi State University, Corpus Christi, Texas, on May 7, 1993. Respondent was licensed to practice professional nursing in the State of Texas on September 22, 1993.
5. Respondent's complete professional nursing employment history is unknown.

6. On or about April 23, 1996, Respondent entered a plea of Nolo Contendere and was convicted of "Driving While Intoxicated," a Class B misdemeanor offense committed on July 1, 1995, in the County Court at Law No. 3 of Travis County, Texas, under Cause No. 0440405. As a result, Respondent was sentenced to one hundred eighty (180) days confinement in the Travis County Jail; however, the imposition of the sentence of confinement was suspended. Respondent was placed on probation for a period of two (2) years, and he was ordered to pay a fine and court costs.
7. On or about July 19, 1999, Respondent entered a plea of Guilty and was convicted of "Driving While Intoxicated-Subsequent," a Class A misdemeanor offense committed on October 5, 1998, in the County Court at Law No. 1 of Williamson County, Texas, under Cause No. 98-5367-1. As a result, Respondent was sentenced to three hundred sixty-five (365) days confinement in the Williamson County Jail, however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs, his driver's license was suspended for a period of one (1) year, and he was ordered to have an Ignition Interlock System installed in any motor vehicle he owned or most regularly drove.
8. On or about March 22, 2007, Respondent submitted a Texas Online Renewal Document to the Board of Nurse Examiners for the State of Texas, in which he provided false, deceptive, and/or misleading information, in that he answered "no" to the question:

"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal? This includes expunged offenses and deferred adjudications with or without a finding of guilt."

On or about April 23, 1996, Respondent was convicted of "Driving While Intoxicated," in the County Court at Law No. 3 of Travis County, Texas, under Cause No. 0440405.

On or about July 19, 1999, Respondent was convicted of "Driving While Intoxicated - Subsequent," in the County Court at Law No. 1 of Williamson County, Texas, under Cause No. 98-5367-1.

9. On July 26, 2007, Respondent was indicted for "Aggravated Assault with a Deadly Weapon." On November 1, 2007, Respondent was convicted of "Lesser Included Offense of Disorderly Conduct-Display a Weapon," a Class B misdemeanor offense, in the 26th Judicial District Court of Williamson County, Texas, under Cause No. 07-1141-K26. As a result, Respondent was sentenced to ninety-six (96) days confinement in the Williamson County Jail, with ninety-six (96) days credited, and Respondent was ordered to pay court costs.

10. On or about August 11, 2008, Respondent met with Nancy A. Perachio, PhD, Psychologist, with the Department of Veterans Affairs. She indicates that Respondent experienced a Cerebrovascular Accident (CVI), commonly known as a stroke, in January 2007. After a series of physical, psychological, and intellectual tests, Respondent has been diagnosed with mild to moderate cognitive dysfunction secondary to stroke and chronic alcohol abuse. Dr. Perachio notes that many aspects of his cognition are intact such as verbal intellectual functioning, vocabulary, fund of knowledge, spatial completion, cognitive sequencing, and motor strength and speed. Despite this, he does show deficits such as slowed processing and decreased abstract reasoning, which may affect his ability to gather all information needed to react quickly in a crisis in a nursing situation. This, in conjunction with his visual deficits, would greatly hinder his returning to the practice of nursing.
11. Formal Charges were filed on February 29, 2008, and mailed to Respondent on March 4, 2008.
12. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice nursing in the State of Texas.
13. 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.
14. 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 Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13), and 22 TEX. ADMIN. CODE §217.13(1).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 596764, heretofore issued to JOSEPH FRANCIS SCARANO, 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.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered License Number 596764, heretofore issued to JOSEPH FRANCIS SCARANO, 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 immediately deliver the wallet-sized license, heretofore issued to JOSEPH FRANCIS SCARANO, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "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.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. 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.

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 17 day of June, 2009.

Joseph F. Scarano
JOSEPH FRANCIS SCARANO, Respondent

Sworn to and subscribed before me this 17 day of June, 2009.

SEAL

Minerva Bowie - Garcia
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 596764, previously issued to JOSEPH FRANCIS SCARANO.



Effective this 22nd day of June, 2009.

Katherine A. Thomas

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