

6. On or about February 2, 2004, Respondent submitted a renewal application 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 following question:

"Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"
7. On November 25, 2007, respondent was required to comply with a random criminal background audit check. The results revealed the following non-disclosed history:
8. On or about May 4, 1998, Respondent entered a plea of "Nolo Contendere to Indecent Exposure (a Misdemeanor offense committed on March 10, 1998), in the County Court at Law # 8, Bexar County, Texas, under Cause Number 654670. As a result of the plea, the proceedings against Respondent were Deferred without entering an adjudication of guilt. Respondent was sentenced to one (1) year probation and ordered to pay a three hundred dollar (\$300.00) fine. Additionally, Respondent was given a No Contact Order to the victim.
9. On or about July 10, 2002, Respondent entered a plea of " No contest/Nolo Contendere to Harassment (a misdemeanor offense committed on October 19, 2001), in the County Court at Law # 1, Bexar County, Texas, under Cause Number 805083. As a result of the plea the proceedings against Respondent were Deferred without entering an adjudication of guilt. Respondent was sentenced to six (6) months probation and ordered to pay a three hundred dollar (\$300.00) fine.
10. Respondent submitted a written statement related to Findings of Fact Number Eight (8) and Nine (9), which states his reason for non-disclosure as follow: ""I would've disclosed all this information upon my recent license renewal, but it only required criminal information for the past two years. I didn't disclose the 1996 and 2001 charges to the nursing board, because I thought the nursing board rules only included actual convictions. I was, however arrested, but not convicted of these dismissed charges. In fact, until recently these charges never even came up on any criminal background checks, so I was always under the assumption, I had no record. I presently fully understand the nursing board rules, in which I apologize for my lack of disclosures and judgement in these past arrests"

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)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action Vocational Nurse License Number 165834, heretofore issued ROY ANTHONY RODRIGUEZ, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to ROY ANTHONY RODRIGUEZ to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred and fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five 45 days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

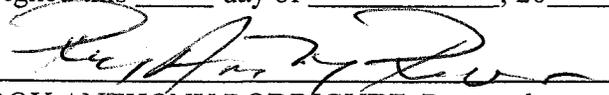
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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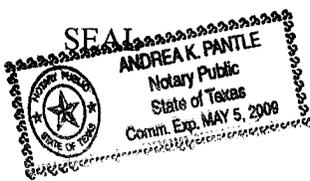
RESPONDENT'S CERTIFICATION

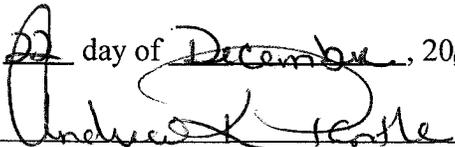
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22 day of December, 2008.


ROY ANTHONY RODRIGUEZ, Respondent

Sworn to and subscribed before me this 22 day of December, 2008.





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 ratify and adopt the Agreed Order that was signed on the 30 day of December, 2008, by ROY ANTHONY RODRIGUEZ Vocational Nurse License Number 165834, and said Order is final.

Effective this 30th day of December, 2008.


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