

6. On or about June 9, 2006, Respondent submitted a License Renewal Form to the Board of Nurse Examiners for the State of Texas, in which he answered "yes" to the following question:

"Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's DWI's PI's must be reported and are not considered minor traffic violations. **(One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed; therefore, you may answer "No." If you have two or more MIP's or MIC's, you must answer "Yes."**)"

Respondent disclosed the following offense:

- 6.1 On or about April 19, 2005, Respondent was convicted of INDECENT EXPOSURE, (a Class B Misdemeanor offense committed on June 4, 2004), in the County Criminal Court Number One of Tarrant County, Texas, under Cause No. 0937049. As a result of the conviction, Respondent was sentenced to one hundred eighty (180) days confinement in the Tarrant County Jail, with the imposition of the sentence suspended, and Respondent was placed on Community Supervision for a period of twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs. On or about April 18, 2007, Respondent completed his probation.

Additionally, Respondent had previously failed to disclose the following offense:

- 6.2 On or about June 18, 1998, Respondent was arrested by the Dallas Police Department, Dallas, Texas for the Class B Misdemeanor offense of INDECENT EXPOSURE. On or about September 4, 1998, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and Respondent was placed on probation for a period of one (1) year, in the County Court of Law No. 7, Dallas County, Texas, under Cause No. MB9853310-H.
7. On or about September 28, 2005, Ezio Leite, M.Ed, LPC, Licensed Sex Offender Treatment Provider submitted a Notice of Treatment Completion letter stating on or about September 15, 2005, Respondent completed and cleared a community safety polygraph. Respondent has completed all of the work required on the treatment plan and addressed his sexually compulsive behaviors in the treatment. Respondent has been an active member in the treatment sessions and has demonstrated an active knowledge of his offense cycle and the triggers that precede the sexual offense. Respondent has learned in treatment, it is mandatory that he continue to avoid high risk situations and triggers and apply the coping skills and controls that he has identified while in treatment. If he remains committed to these concerns, his chances of recidivism are reduced. I recommend Respondent attend Aftercare sessions once a month for the next six months to continue to reinforce the effective controls which he has used to avoid sexually deviant behaviors.

On or about August 28, 2007, during a telephonic conversation with Carla Finley, Community Supervision Officer, Tarrant County, Texas, Ms. Finley disclosed that Respondent completed the Aftercare sessions as recommended by Ezio Leite, M.Ed, LPC.

8. In response to Finding of Fact Number Six point One (6.1), Respondent states:

"I was arrasted(sic) for Indecent Exposure in Tarrant County, Fort Worth, Texas. I was in a park and went behind the bushes to urinate when I was approached by an under cover police officer. As I was urinating, the police officer signaled me to show him, which I did. I did not touch the officer or allow him to touch me. I was arrested thereafter."

9. In response to Finding of Fact Number Six point Two (6.2), Respondent's attorney states:

"Concerning the 1998 charge, Mr. Gallegos received deferred adjudication."

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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered License Number 666540, heretofore issued to JOSE ALFREDO GALLEGOS, including revocation of Respondent's license to practice professional 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 WARNING WITH STIPULATIONS, 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 Professional 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 professional nursing in compact states.

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 JOSE ALFREDO GALLEGOS, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) 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 Chemical Dependency, 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/about/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250). 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.

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 professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

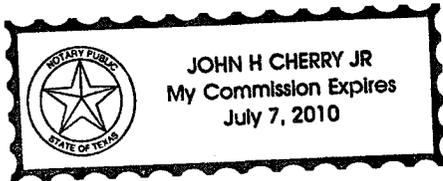
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 8th day of December, 2008.

Jose Alfredo Gallegos
JOSE ALFREDO GALLEGOS, Respondent

Sworn to and subscribed before me this 8th day of December, 2008.

SEAL



John H. Cherry Jr
Notary Public in and for the State of TEXAS

Approved as to form and substance.

[Signature]
LOUIS LEICHTER, Attorney for Respondent

Signed this 9 day of Dec, 2008

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 8th day of December, 2008, by JOSE ALFREDO GALLEGOS, Registered Nurse License Number 666540, and said Order is final.

Effective this 22nd day of January, 2009.


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

