

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 537622
ISSUED TO
LUIS MIRELES

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS



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. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Luis Mireles
PO Box 5723
Mesa, AZ 85211

During open meeting held in Austin, Texas, on Tuesday, November 13, 2007, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Board of Nurse Examiners finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 537622, previously issued to LUIS MIRELES, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 537622, previously issued to LUIS MIRELES, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 13th day of November, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 537622
Issued to LUIS MIRELES
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November, 2007, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Luis Mireles
PO Box 5723
Mesa, AZ 85211

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bne.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

July 3, 2007

Certified Mail No. 7006 3450 0000 1095 1007
Return Receipt Requested

Luis Mireles
PO Box 5723
Mesa, AZ 85211

U.S. Postal Service
CERTIFIED MAIL
(Domestic Mail Only; No Int'l)

For delivery information visit
OFFIC

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent To: Luis Mireles
Street, Apt. No., or PO Box No.: PO BOX
City, State, ZIP+4: Mesa, AZ

PS Form 3800, August 2006

7007 5607 1007 1007 3450 0000 1095 1007

Dear Mr. Mireles:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Noemi Reyes, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license or multistate privilege to practice professional nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Noemi Reyes, Investigator, Enforcement Division, at the above address, or at (512) 305-6834.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/nr

Enclosure: Formal Charges

09/99-DA

Members of the Board

Joyce Adams, PhD, RN Houston	Deborah Bell, CEO, ChFC Ablene	George Buchenau, Jr., BSN, RN, MBA Amarillo	Virginia Campbell, BSN, RN, CNOR Mesquite	Blanca Rosa Garcia, PhD, RN Corpus Christi
Richard Gibbs, LVN Mesquite	Rachel Gomez, LVN Harlingen	Brenda Jackson, PhD, RN San Antonio	Beverly Jean Nutall, LVN Bryan	
Anita Palmer, ME, MA Olney	Phyllis Rawley, CPC Vice-President	Linda Rounds, PhD, FNP, RN President	Frank Sandoval, Jr., J.D. San Antonio	

RECEIPT

(Insurance Coverage Provided)

Website at www.usps.com

FOR OFFICIAL USE

Postmark Here

723
5211

See Reverse for Instructions

CERTIFIED MAIL



7006 3450 0000 1095 1007



BOARD OF NURSE EXAMINERS
333 GUADALUPE, SUITE 3-460
AUSTIN, TEXAS 78701

RETURNED TO SENDER
RECEIVED

Luis Mireles
PO Box 5723
Mesa, AZ 85211

FF

NAME

40 07/17/07

850 BC 1

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RETURN TO SENDER
AS ADDRESSED
NOT DELIVERABLE TO FORWARD
UNABLE TO FORWARD

BC: 78701394450

*1099-04021-09-42

6521 135 791 8244

In the Matter of Permanent License
Number 537622, Issued to
LUIS MIRELES, Respondent

§ BEFORE THE BOARD
§ OF NURSE EXAMINERS
§ FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LUIS MIRELES, is a Registered Nurse holding license number 537622, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about September 11, 2006, Respondent's license to practice professional nursing in the State of Arizona was REVOKED by the Arizona State Board of Nursing, Phoenix, Arizona, based on Findings that:

- On or about February 19, 2002, Respondent's employment with META Services, Mesa, Arizona, was terminated because Respondent was behaving in a "harassing, threatening and intimidating manner to another employee."
- On or about August 2004 through November 2005, while employed with Value Options, an Outpatient Mental Health Facility in Phoenix, Arizona, Respondent violated ethical boundaries in that Respondent was involved in social relationships with Patient GM and LT, and one incident of sexual activity with Patient GM.

A copy of the Findings of Fact, Conclusions of Law and Order, dated September 11, 2006, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

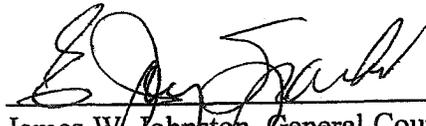
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Sexual Misconduct which can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Arizona State Board of Nursing Order, dated September 11, 2006.

Filed this 28th day of June, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6824

F: (512) 305.8101 or (512)305-7401

Attachments: Arizona State Board of Nursing Order, dated September 11, 2006

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ARIZONA STATE BOARD OF NURSING
4747 North 7th Street, Ste 200
Phoenix, Arizona 85014
602-889-5150

IN THE MATTER OF PROFESSIONAL NURSE
LICENSE NO. RN106228
ISSUED TO:

LUIS MIRELES,

Respondent.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER NO. 0511008

On September 11, 2006, the Arizona State Board of Nursing ("Board") considered the State's Motion to Deem Allegations Admitted and Recommended Discipline and Respondent's Response to the Motion, if any, at the Arizona Board of Nursing, 4747 North 7th Street, Suite 200, Phoenix Arizona 85014. Daniel R. Christl, Assistant Attorney General, appeared on behalf of the State. Respondent was not present and was not represented by counsel.

On September 11, 2006, the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-1663(G) and Notice of Charges No. 0511008 filed in this matter, the Board adopts the following Findings of Fact, Conclusions of Law, and REVOKES Respondent's license.

FINDINGS OF FACT

1. Luis Mireles ("Respondent") holds Board issued professional nurse license no. RN106228.
2. The Board has authority pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664 to impose disciplinary sanctions against the holders of nursing licenses for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -1667.
3. From on or about September 27, 2004 until December 22, 2005, Respondent was an employee at Value Options, and Outpatient mental Health Facility in Phoenix, Arizona.

1 4. On November 1, 2005 the Board received a complaint alleging that Respondent had
2 had a social relationship with G.M., a patient at Value Options which constituted a dual relationship
3 and a violation of ethical boundaries. G.M. confirmed that she had had a social relationship with
4 Respondent which involved one incident of sexual activity.

5 5. Anna Vargas-Leveriza, Clinical Coordinator at the same Value Options site, confirmed
6 seeing Respondent and his daughter at the Maricopa County Fair with G.M for a protracted time.
7 Respondent received employee counseling (a Performance Improvement Plan) as a result.
8 Respondent asserts that this was a chance encounter. G.M. disputes this, alleging that Respondent
9 asked her to the Fair on a date.
10

11 6. G.M. stated that when she told Respondent she wished to be "just friends" he began
12 harassing her by phone.
13

14 7. In the course of reviewing Respondent's personnel file, a second Performance
15 Improvement Plan dated August 24, 2004 precipitated by Respondent's care of another female patient
16 , L.T. was identified. L.T. subsequently informed Board staff that Respondent had arranged to meet
17 her to take her to a therapeutic meeting. The planned meeting was subsequently determined not to
18 take place and Respondent invited L.T. to join him for dinner with his daughter, which she did. L.T.
19 reported that Respondent subsequently invited her to a recital by his daughter, which she declined.
20 Either invitation constitutes a violation of ethical boundaries. L.T. stated that she subsequently
21 reported the invitation to the supervising nurse practitioner and thereafter did not receive care from
22 Respondent.
23

24 8. From on or about November 29, 1999 until February 19, 2002, Respondent was
25 employed at META Services in Mesa, Arizona.
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