

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse License Number 568617 § AGREED  
issued to DAVID SUAREZ § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DAVID SUAREZ, Registered Nurse License Number 568617, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1),(9)&(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on April 30, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from The University of Texas-Pan American, Edinburg, Texas, May 11, 1990. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1991.
5. Respondent's professional nursing employment history includes:

1991	Staff Nurse	KNAPP Medical Center Weslaco, Texas
1991-1992	Facility Director	Blue Bonnet Adult Day Care Elsa, 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.  
*Katherine A. Thomas*  
Executive Director of the Board

Respondent's professional nursing employment history continued:

1992-1995	Staff Nurse/Supervisor	Texas Visiting Nurse Service, Inc. Mission, Texas
1995-1996	Administrator/Owner	Rio Health Care Services, Inc. Weslaco, Texas
1996-1997	Administrator	IPH Home Health Care, Inc. McAllen, Texas
1997-1999	Director of Nursing	Esperanza Home Health Weslaco, Texas
3/99-Present	Administrator	Friends Health Care Services, Inc. Donna, Texas

6. On May 25, 2005, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required him to enroll, participate, and successfully complete the Texas Assistance Program for Nurses (TPAPN). A copy of the Agreed Order dated May 25, 2005, is attached and incorporated by reference as part of this Order.
7. At the time of the incident, Respondent was employed as the Administrator with Friends Health Care Services, Inc., Donna, Texas, and had been in this position for approximately six (6) years and two (2) months.
8. On or about March 27, 2006, while employed with Friends Health Care Services, Inc., Donna, Texas, Respondent engaged in the intemperate use of Cocaine as evidenced by a positive drug screen. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about March 27, 2006, Respondent became non-compliant with the Agreed Order issued to him by the Board of Nurse Examiners for the State of Texas on May 25, 2005. Non-compliance is the result of Respondent's intemperate use of Cocaine as evidenced by a positive drug screen. Stipulation Number Three (3) of the Agreed Order dated May 25, 2005, states:

"RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term."

10. In a letter dated June 29, 2006, F. Heath Smith, IV, M.A., LCDC, ADC III, states that Respondent has been a client of his office since June 27, 2005, and over the course of his treatment he has had a total of twenty (20) counseling appointments. He states that Respondent has been on time and participated actively on all assignments given. Respondent was required to attend 12-step self-help support group meetings and has provided witnessed documentation of meeting attendance. Mr. Smith states that after Respondent's removal from the TPAPN program for a positive drug screen, he entered into an agreement for random urinalysis through Mr. Smith's office starting May 5, 2006. Through the time of Mr. Smith's letter, all laboratory results have been negative for psychoactive substances. Mr. Smith states that Respondent continues to be involved in the treatment process and is motivated to treat his addictive disease. Mr. Smith states that he has spoken with Respondent's Alcoholics Anonymous sponsor who stated that Respondent is actively involved in his recovery program and works closely with him. Respondent is reported to have finished all twelve (12) steps by working with his sponsor and serves as a trustee for his local AA group. Attached to Mr. Smith's letter are Respondent's negative drug screens collected on May 10, 2006, May 22, 2006, June 2, 2006, and June 19, 2006.
11. Respondent's last known date of sobriety is March 27, 2006, as indicated in Finding of Fact Number Eight (8).
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.
13. Formal Charges were filed on November 10, 2006.
14. Formal Charges were mailed to Respondent on November 15, 2006.

#### 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 a violation of Section 301.452(b)(1),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9),(10)(A)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 568617, heretofore issued to DAVID SUAREZ, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Registered Nurse License Number 568617, previously issued to DAVID SUAREZ, to practice professional nursing in Texas is hereby suspended for a period of three (3) years with the suspension stayed and Respondent is hereby placed on probation for three (3) years with the following agreed terms of probation:

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the 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.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, 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.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to DAVID SUAREZ, to the office of the Board of Nurse Examiners within three weeks of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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.bne.state.tx.us/about/stipscourses.html>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty dollars (\$750.00). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-**

**SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATION PERIOD:**

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a Registered Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL NOT practice as a professional on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a professional nurse.

(10) RESPONDENT SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional nurse.

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the

RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a nurse.

(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(14) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines  
Barbiturates  
Benzodiazepines

Meperidine  
Methadone  
Methaqualone

Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(15) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 12th day of June, 2007, by DAVID SUAREZ, Registered Nurse License Number 568617, and said Order is final.

Effective this 19th day of July, 2007.



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

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.

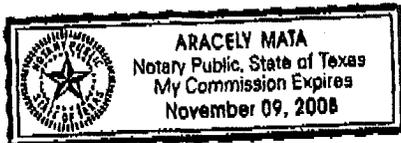
Signed this 12<sup>th</sup> day of June, 2007

David Suarez  
DAVID SUAREZ, Respondent

Sworn to and subscribed before me this 12<sup>th</sup> day of June, 2007

SEAL

Aracely Mata  
Notary Public in and for the State of Texas



Approved as to form and substance  
[Signature]

LOUIS LEICHTER, Attorney for Respondent

Signed this 13 day of June, 2007

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse License Number 568617 § AGREED  
issued to DAVID SUAREZ § ORDER.

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DAVID SUAREZ, Registered Nurse License Number 568617, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended, and Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on April 6, 2005, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on 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 conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from The University of Texas-Pan American, Edinburg, Texas, May 11, 1990. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1991.
5. Respondent's professional nursing employment history includes:

1991	Staff Nurse	KNAPP Medical Center Weslaco, Texas
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Respondent's professional nursing employment history continued:

1991-1992	Facility Director	Blue Bonnet Adult Day Care Elsa, Texas
1992-1995	Staff Nurse/Supervisor	Texas Visiting Nurse Service, Inc. Mission, Texas
1995-1996	Administrator/Owner	Rio Health Care Services, Inc. Weslaco, Texas
1996-1997	Administrator	IPH Home Health Care, Inc. McAllen, Texas
1997-1999	Director of Nursing	Esperanza Home Health Weslaco, Texas
3/99-Present	Administrator	Friends Health Care Services, Inc. Weslaco, Texas

6. At the time of the initial incident, Respondent was employed as the Director of Nursing with Esperanza Home Health, Weslaco, Texas, and had been in this position for approximately one (1) year and seven (7) months.
7. On or about July 15, 1998, Respondent was arrested by the Weslaco Police Department, Weslaco, Texas, for "Possession of a Controlled Substance." On November 24, 1998, Respondent plead guilty to "Possession of a Controlled Substance to-wit: Cocaine, in an amount less than one (1) gram," a State Jail Felony, in the 92nd District Court of Hidalgo County, Texas, Cause No. CR-1590-98-A. Respondent's adjudication of guilt was deferred and he was placed on Community Supervision for a period of four (4) years, and assessed a fine in the amount of one thousand dollars (\$1000.00), and court costs in the amount of two hundred sixty-six dollars and twenty-five cents (\$266.25).
8. On or about August 18, 1998, Respondent was arrested by the Weslaco Police Department, Weslaco, Texas, for "Driving While Intoxicated," a Class B Misdemeanor. On November 5, 2003, Respondent plead guilty to "Driving While Intoxicated," in the Hidalgo County, Texas, Court at Law No. Five, Cause No. CR-158609E. Respondent was sentenced to three (3) days confinement in the Hidalgo County Jail and assessed a fine in the amount of two hundred fifty dollars (\$250.00).

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9. On or about October 30, 2003, Respondent submitted a Texas Online Renewal Document to the Office of 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:

"Since the issuance or last renewal, have you plead guilty (including no contest plea), been found guilty or convicted of any felony or misdemeanor other than a minor traffic violation?"

On November 24, 1998, Respondent plead guilty to "Possession of a Controlled Substance to-wit: Cocaine, in an amount less than one (1) gram," a State Jail Felony, in the 92nd District Court of Hidalgo County, Texas, Cause No. CR-1590-98-A.

10. The Respondent's conduct described in Findings of Fact Number (7) was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN.
11. The Respondent's conduct described in Finding of Fact Number Nine (9) was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
12. The Board finds that there exists serious risks to public health and safety due to intemperate use of controlled substances or chemical dependency.
13. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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 22 TEX. ADMIN. CODE §217.13(1), and Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1),(22)&(23).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 568617, heretofore issued to DAVID SUAREZ, including revocation of Respondent's professional license to practice nursing in the State of Texas.

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5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include a payment of a non-refundable participation fee of five hundred dollars (\$500), payable to the TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

**COPY**

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice professional 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature, on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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.

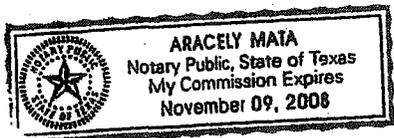
Signed this 20<sup>th</sup> day of MAY, 2005.

David Suarez  
DAVID SUAREZ, Respondent

Sworn to and subscribed before me this 20<sup>th</sup> day of May, 2005.

SEAL

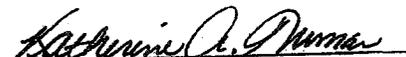
Aracely Mata  
Notary Public in and for the State of Texas



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WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 20th day of May, 2005, by DAVID SUAREZ, Registered Nurse License Number 568617, and said Order is final.

Entered and effective this 25th day of May, 2005.

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

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