

BEFORE THE TEXAS BOARD OF NURSING

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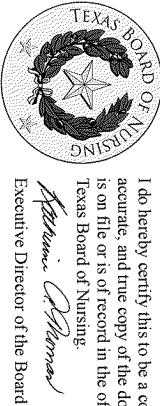
In the Matter of § AGREED  
Vocational Nurse License Number 197682 §  
issued to ONESIMO PANALEZ FLORES § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ONESIMO PANALEZ FLORES, Vocational Nurse License Number 197682, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(9)&(10) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 18, 2013.

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(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Southwest Texas Junior College, Uvalde, Texas, on May 15, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on February 22, 2005.
5. Respondent's vocational nursing employment history is unknown.
6. On or about June 16, 2008, Respondent was issued a REMEDIAL EDUCATION WITH A FINE Order by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated June 16, 2008, is attached and incorporated, by reference, as part of this Order.



7. On or about October 22, 2012, Respondent submitted License Renewal Form to the Texas Board of Nursing, in which he answered "Yes" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
- A. been convicted of a misdemeanor?
  - B. been convicted of a felony?
  - C. pled nolo contendere, no contest, or guilty?
  - D. received deferred adjudication?
  - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
  - F. been sentenced to serve jail or prison time? court-ordered confinement?
  - G. been granted pre-trial diversion?
  - H. been arrested or have any pending criminal charges?
  - I. been cited or charged with any violation of the law?
  - J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent disclosed that, on or about August 30, 2011, Respondent entered a plea of No Contest to PUBLIC INTOXICATION, a Class C misdemeanor offense, in the Crystal City Municipal Court, Zavala County, Texas, under Cause No. 2011-0000935. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of twenty (20) days. On or about September 20, 2011, Cause No. 2011-0000935 was dismissed for the reason: "Due to evidence on the case."

8. Respondent underwent a Chemical Dependency evaluation conducted by Sean Connolly, Ph.D., on September 27, 2013. Dr. Connolly states it is strongly recommended that Respondent participate in the Texas Peer Assistance Program for Nurses (TPAPN). With the Peer Assistance monitoring, Respondent would appear to have fitness to practice nursing in the State.
9. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
10. 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.
11. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
12. 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 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 197682, heretofore issued to ONESIMO PANALEZ FLORES, up to, and including, revocation of Respondent's license(s) to practice nursing in the State of Texas.
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, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 197682, previously issued to ONESIMO PANALEZ FLORES, to practice nursing in Texas is/are hereby SUSPENDED and said suspension is ENFORCED until Respondent complies with Stipulation Numbers One (1) and Two (2):

(1) RESPONDENT SHALL apply to and be accepted into the TPAPN and complete the enrollment process, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

IT IS FURTHER AGREED, upon verification of compliance with Stipulation Numbers One (1) and Two (2), the SUSPENSION will be stayed, and RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the TPAPN:

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

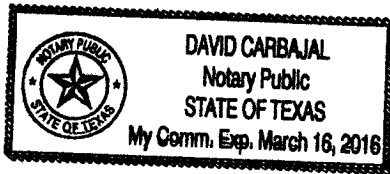
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Stipulation Numbers 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 Texas Board of Nursing, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21<sup>st</sup> day of February, 2014.

Onesimo Panalez Flores  
ONESIMO PANALEZ FLORES, Respondent

Sworn to and subscribed before me this 21<sup>st</sup> day of February, 2014.

SEAL



David Carbajal  
Notary Public in and for the State of TX

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 21st day of February, 2014, by ONESIMO PANALEZ FLORES, Vocational Nurse License Number 197682, and said Order is final.

Effective this 13th day of March, 2014.



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



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of License Number 197682                   §     AGREED  
issued to ONESIMO PANALEZ FLORES                   §     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ONESIMO PANALEZ FLORES, Vocational Nurse License Number 197682, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived an informal conference, notice and hearing, and agreed to the entry of this Order offered on April 26, 2007, 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 an informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Southwest Texas Junior College, Uvalde, Texas, on May 15, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on February 22, 2005.
5. Respondent's complete vocational nursing employment history is unknown.
6. On or about December 3, 2004, Respondent submitted an Application by NCLEX-PN Examination for Licensed Vocational Nurses 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 been convicted, adjudged guilty by a court, no contest or nolo contendere to any crime...including pending criminal charges or unresolved arrests...." Respondent failed to disclose the following offenses:

- A. On or about May 22, 1998, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on June 8, 1997), in the County Court at Law, Walker County, Texas, under Cause No. 97-905. As a result of the conviction, Respondent was sentenced to confinement in the Walker County Jail for a period of ninety (90) days, however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. In addition, Respondent was ordered to pay a fine and court costs.
  - B. On or about February 1999, Respondent received a deferred adjudication on the charge of PUBLIC INTOXICATION (a Class C misdemeanor offense). The proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of ninety (90) days. Additionally, he was ordered to pay a fine and court costs.
  - C. On or about May 14, 2001, Respondent entered a plea agreement to reduce the charge of DRIVING WHILE INTOXICATED - 2nd (a Class A misdemeanor offense committed on April 30, 2001) to a lesser charge by entering a plea of Guilty to RECKLESS DRIVING (a Class B misdemeanor offense), in the County Court of Frio County, Texas, under Cause No. 17837. Respondent was ordered to pay a fine and court costs.
7. On or about October 22, 2006, Respondent submitted a written statement related to Finding of Fact number Six (6), in which he stated "I did not disclose my past criminal history because I read a document that stated any convictions more than three years old do not have to be disclosed and can answer no to question number two. My intention was never to be dishonest with the BNE. I called several months ago and spoke with a representative of the BNE and I was informed to disclose my past criminal history during my renewal of my license, send the court documents and an explanation of what happened in each incident and why I did not inform the BNE.
  8. Formal Charges were filed on September 28, 2007.
  9. Formal Charges were mailed to Respondent on October 1, 2007.



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 violation of Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 197682, heretofore issued to ONESIMO PANALEZ FLORES, 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 REMEDIAL EDUCATION WITH A FINE, and 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 Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 ONESIMO PANALEZ FLORES 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 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/disciplinary action>

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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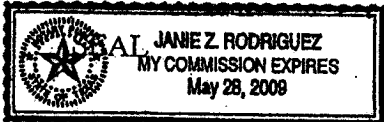
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 5<sup>th</sup> day of June, 2008.

Onesimo Panalez Flores  
ONESIMO PANALEZ FLORES, Respondent

Sworn to and subscribed before me this 5<sup>th</sup> day of June, 2008.



Janie Z. Rodriguez

Notary Public in and for the State of Tex.


Approved as to form and substance.

Robert L. Wilson III  
ROBERT L. WILSON III, Attorney for Respondent

Signed this 10 day of June, 2008.

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 5th day of June, 2008, by ONESIMO PANALEZ FLORES, Vocational Nurse License Number 197682, and said Order is final.

Effective this 16th day of June, 2008.

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