

BOARD OF VOCATIONAL  
NURSE EXAMINERS

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STATE OF TEXAS

VS.

JOSE GONZALEZ

COUNTY OF TRAVIS

**AGREED BOARD ORDER**

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 175311 held by JOSE GONZALEZ, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

I.

a. On or about March 19, 2001, the Board of Vocational Nurse Examiners received a written referral from the Texas Peer Assistance Program for Nurses (TPAPN) alleging that Respondent was non-compliant in the areas of drug screening, meeting attendance and treatment.

II.

a. Respondent was employed as a licensed vocational nurse at Memorial Hermann Memorial City Hospital in Houston, Texas from about February 9, 2000 through about February 21, 2000.

AGREED BOARD ORDER  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 2

b. While so employed at said facility, on or about February 16, 2000, Respondent was requested to submit to a drug screen as a condition of his employment. Said screen was positive for Marijuana Metabolites.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

**ORDER OF THE BOARD**

**NOW THEREFORE, IT IS ORDERED** that license number 175311, heretofore issued to JOSE GONZALEZ to practice vocational nursing in the State of Texas be, and the same is hereby **SEVERELY REPRIMANDED**.

**IT IS FURTHER ORDERED**, that Respondent shall successfully complete nursing program course(s) encompassing the following areas of study: **Substance Abuse --**

AGREED BOARD ORDER  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 3

**Fact or Fiction? (Council on Alcohol and Drugs Houston)**, and submit documentation of successful course completion to the Board office within the first six (6) months of the Board's ratification of this Order. Respondent shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s). Said course(s) shall be through correspondence (through a recognized provider), in-house at a community college, university or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Respondent. Failure to successfully complete said course(s) within the time frame stipulated, shall be considered a violation of this Order.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 27<sup>TH</sup> day of JANUARY, 2003.

  
\_\_\_\_\_  
Signature of Respondent

1522 Lawson  
\_\_\_\_\_  
Current Address

Houston, TX 77023  
\_\_\_\_\_  
City, State and Zip

713 923 8518  
\_\_\_\_\_  
Area Code and Telephone Number

AGREED BOARD ORDER  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 4

The State of Texas  
County of HARRIS

Before me, the undersigned authority, on this day personally appeared JOSE GONZALEZ, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

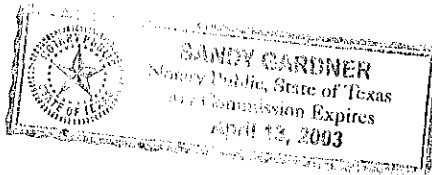
SWORN TO AND SUBSCRIBED before me on this the 27<sup>th</sup> day of JANUARY, 2003.



Meagan E Laux  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

Terrie L. Hairston  
Terrie L. Hairston, R.N., C.H.E.,  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 2<sup>th</sup> day of February, 2003.

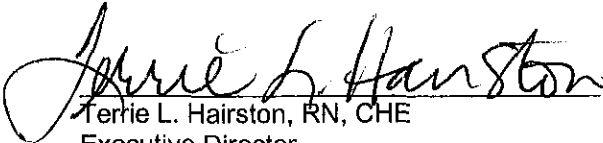


Sandy Gardner  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

BOARD ORDER  
RE: JOSE GONZALEZ, LVN #175311  
PAGE: 5

**WHEREFORE, PREMISES CONSIDERED,** the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 27<sup>th</sup> day of January, 2003 by Respondent, license number 175311 and that Said Order is Final.

Effective this 4<sup>th</sup> day of March, 2003

A handwritten signature in cursive script that reads "Terrie L. Hairston". The signature is written in black ink and is positioned above the printed name and title.

Terrie L. Hairston, RN, CHE  
Executive Director  
On Behalf of Said Board

**BOARD ORDER**

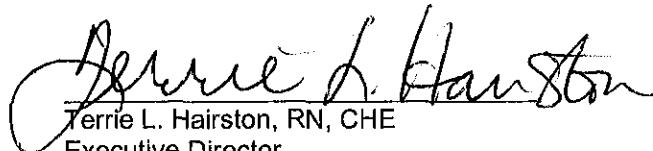
RE: JOSE GONZALEZ, LVN #175311

PAGE: 6

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of March, 2003, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

JOSE GONZALEZ  
1522 LAWSON  
HOUSTON TX 77023



Terrie L. Hairston, RN, CHE  
Executive Director  
Agent for the Board of Vocational Nurse Examiners



**BOARD OF VOCATIONAL NURSE EXAMINERS**  
333 GUADALUPE STREET, SUITE 3-400  
AUSTIN, TEXAS 78701  
(512) 305-8100

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June 5, 2003

JOSE GONZALEZ  
1522 LAWSON  
HOUSTON TX 77023

Dear Mr. Gonzalez:

You have successfully completed the terms of your Agreed Board Order dated March 4, 2003.

All pertinent information will remain in your permanent records. We urge you in the future to promote and uphold the ethical standards a Licensed Vocational Nurse should practice.

If you have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Hudson".

Carolyn Hudson  
Investigator

/ch



## BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

512/305-8100

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June 14, 2002

JOSE GONZALEZ  
1522 LAWSON  
HOUSTON, TEXAS 77023

Certified Mail No. 7001 1140 0004 3338 6964

Dear Mr. Gonzalez:

Enclosed please find a sworn Complaint which has been filed against you alleging one or more statutory violations or grounds to take disciplinary action against you as a vocational nurse licensed under the Texas Occupations Code, Chapter 302.

Pursuant to the Board of Vocational Nurse Examiners' Rules, you are hereby offered the opportunity to schedule an Informal Conference, to be conducted at the Board's office, to discuss possible agreed resolution of this matter, in whole or in part. You may be represented by an attorney at the Informal Conference, or you may appear without an attorney. The dates of the Informal Conference are July 8 – 10, 2002.

You must file a "written answer to appear" within twenty (20) days from the date of this correspondence. You may file your answer via FAX (512) 305-8101, U.S. Mail and/or telephone Kirby W. Hattox, Supervising Investigator, at (512) 305-7664, **no later than** June 28, 2002 – to schedule your Informal Conference. Docket times are assigned by the Board staff. Be advised that conferences may not be held on the last day indicated, if we anticipate that we will not have enough cases to fill the docket.

You must arrive at the Board office at least thirty (30) minutes prior to the scheduled time in order to meet with your case investigator. Please bring with you a valid form of picture identification (Drivers License, I.D. Card, etc.).

A copy of the Board's rules pertaining to Informal Conferences is enclosed. The proceedings relating to the Informal Conference are confidential and your statements made at the conference will not be offered as evidence to support the allegations in the Complaint. However, if an Agreed Order is proposed as a result of the Informal Conference, it will become a public record if accepted and ratified by the Board of Vocational Nurse Examiners.

Due to security concerns, purses, briefcases, backpacks, etc., will not be allowed into the conference chambers. (Attorneys are exempt from this requirement). Please make prior arrangements for the safekeeping of your personal belongings, as the Board will not be responsible for these items.




JOSE GONZALEZ  
June 14, 2002  
Page 2

**FIREARMS ARE NOT PERMITTED IN THE BOARD OF VOCATIONAL NURSE EXAMINERS OFFICES AND/OR HEARING CHAMBERS.**

**FAILURE TO ANSWER THIS NOTICE OF COMPLAINT WILL RESULT IN THE ALLEGATIONS AGAINST YOU THAT ARE SET OUT IN THE NOTICE OF COMPLAINT BEING DEEMED ADMITTED AS TRUE. IN ADDITION, YOUR OPPORTUNITY TO OBJECT TO THE PROPOSED SANCTIONS AND YOUR OPPORTUNITY FOR HEARING ON THE COMPLAINT SHALL BE DEEMED TO HAVE BEEN WAIVED.**

Should you have questions regarding the Informal Conference procedure, please contact the Enforcement Division (512) 305-7664.

Sincerely,



Kirby W. Hattox, Supervisor  
Enforcement Division

KWH/cd

Enclosure: Complaint, Informal Conference Rules, Board Location Map

cc: Regular Mail

U.S. Postal Service  
**CERTIFIED MAIL REC**  
(Domestic Mail Only; No In)

7001 1140 0004 0000 3338 6964

**OFFICIAL**

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

Sent To  
JOSE GON  
Street, Apt. No.;  
or PO Box No. 1522 LAWS  
City, State, ZIP+ HOUSTON

PS Form 3800, J

BOARD OF VOCATIONAL NURSE  
EXAMINERS

VS.

JOSE GONZALEZ

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\* 175311  
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**NOTICE**

Notice is hereby given in the above-referenced and styled cause of action that a hearing will be held before the Executive Director with the Board of Vocational Nurse Examiners (hereinafter "BVNE"), pursuant to the Texas Occupations Code, Chapter 302, from July 8 – 10, 2002, at the William P. Hobby Building, Tower 3, 4<sup>th</sup> Floor, Suite 400, Austin, Texas.

The purpose of said hearing will be to determine whether JOSE GONZALEZ has violated the Texas Occupations Code, Chapter 302, by engaging in the alleged acts described in the Complaint filed and served on Respondent/Applicant, and which is incorporated herein for all purposes. In addition, should the Complaint contain an allegation regarding any felony or misdemeanor conviction you may have, the hearing shall also serve the purpose of determining whether or not the BVNE, can take disciplinary action against your license pursuant to the Texas Occupations Code, Chapter 53, § 53.021.

The hearing is being conducted under authority of the Texas Occupations Code and the Administrative Procedure Act, TEX. GOV'T CODE, ANN., Chapter 2001 (Vernon's Supp. 1998).

**The Complaint is based on information received by the Board. You are hereby notified that such documentation, which may include certified business records submitted to the Board, is now on file and available for your inspection at the Board office during regular business hours prior to said hearing.**

NOTICE  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 2

When applicable, the staff will propose that the Executive Director take official notice of the following: Federal and/or State Drug Laws, relating to medical practice, the Physician's Desk Reference, the Encyclopedia and Dictionary of Medicine and Nursing, and former Orders of the Board.

According to the provisions of the aforementioned authority, you have the right to be present at the hearing and to be represented by counsel. You may also present and introduce evidence by testimony, documentation, or any other offer of proof as prescribed by the Rules of Evidence of the courts of this State in refuting the aforesaid charges.

Pursuant to the Texas Occupations Code, Chapter 302, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

**PURSUANT TO BVNE RULE 239.44 (A) (7), YOUR FAILURE TO FILE A WRITTEN ANSWER TO APPEAR WILL RESULT IN THE ALLEGATIONS AGAINST YOU THAT ARE SET OUT IN THE NOTICE OF COMPLAINT BEING DEEMED ADMITTED AS TRUE. IN ADDITION YOUR OPPORTUNITY TO OBJECT TO THE PROPOSED SANCTIONS AND YOUR OPPORTUNITY FOR HEARING ON THE COMPLAINT SHALL BE DEEMED TO HAVE BEEN WAIVED. THE RELIEF SOUGHT IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.**

**THE WRITTEN ANSWER OR OTHER RESPONSIVE PLEADING MUST BE FILED WITH THE BOARD OF VOCATIONAL NURSE EXAMINERS, 333 GUADALUPE, SUITE 3-400, AUSTIN, TEXAS 78701 VIA MAIL; OR FAXED TO (512) 305-8101; OR**

NOTICE  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 3

**TELEPHONE THE SUPERVISOR OF THE ENFORCEMENT DIVISION (512) 305-7664; WITHIN TWENTY (20) DAYS (FROM THE DATE INDICATED ON THE ENCLOSED COVER LETTER).**

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Kirby W. Hattox, Supervisor  
Enforcement Division  
Board of Vocational Nurse Examiners

ENCLOSURE: BVNE ANSWER TO APPEAR

COMPLAINT/NOTICE INFORMAL CONFERENCE  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 4

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of June, 2002, a true and correct copy of the foregoing complaint/notice was served by placement in the U.S. Mail, first class and certified return receipt, and addressed to the following person(s):

JOSE GONZALEZ  
1522 LAWSON  
HOUSTON, TEXAS 77023



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Kirby W. Hattox, Supervisor  
Enforcement Division  
Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE  
EXAMINERS

VS.

JOSE GONZALEZ

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STATE OF TEXAS

COUNTY OF TRAVIS

### COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Kirby W. Hattox, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Kirby W. Hattox, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against JOSE GONZALEZ, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 175311, hereinafter called Respondent.

#### I.

a. On or about March 19, 2001, the Board of Vocational Nurse Examiners received a written referral from the Texas Peer Assistance Program for Nurses (TPAPN) alleging that Respondent was non-compliant in the areas of drug screening, meeting attendance and treatment.

#### II.

a. Respondent was employed as a licensed vocational nurse at Memorial Hermann Memorial City Hospital in Houston, Texas from about February 9, 2000 through about February 21, 2000.

b. While so employed at said facility, on or about February 16, 2000, Respondent was requested to submit to a drug screen as a condition of his employment. Said screen was positive for Marijuana Metabolites.

III.

The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (10) and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:


- (10) practicing as a vocational nurse holding a license or temporary permit or a graduate making application for licensure, and or applying for employment or by virtue of being an LVN in an Educational program while the individual's ability to practice is impaired by alcohol, drugs, physical or mental disability and/or testing positive for alcohol, illicit drugs, or other substances not prescribed.

IV.

**The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations Code, Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).**

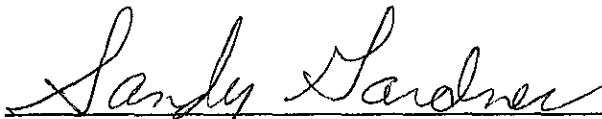
COMPLAINT  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 3

WHEREFORE, PREMISES CONSIDERED, I, Kirby W. Hattox, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against JOSE GONZALEZ, LVN #175311, in accordance with the provisions of the laws of the State of Texas.

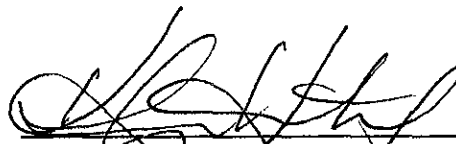
  
\_\_\_\_\_  
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Kirby W. Hattox, on this the day 14<sup>th</sup> June 2002.



  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
My Commission Expires 4/13/03

Filed with the Board of Vocational Nurse Examiners on the 14<sup>th</sup> day of June 2002.

  
\_\_\_\_\_  
Kirby W. Hattox, Supervisor  
Enforcement Division  
Board of Vocational Nurse Examiners





**BOARD OF VOCATIONAL NURSE EXAMINERS**  
333 GUADALUPE STREET, SUITE 3-400  
AUSTIN, TEXAS 78701  
512/305-8100

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September 12, 2002

JOSE GONZALEZ  
1522 LAWSON  
HOUSTON, TEXAS 77023

Certified Mail No. 7001 1140 0004 3338 1914

Dear Mr. Gonzalez:

Enclosed please find a sworn Complaint which has been filed against you alleging one or more statutory violations or grounds to take disciplinary action against you as a vocational nurse licensed under the Texas Occupations Code, Chapter 302.

Pursuant to the Board of Vocational Nurse Examiners' Rules, you are hereby offered the opportunity to schedule an Informal Conference, to be conducted at the Board's office, to discuss possible agreed resolution of this matter, in whole or in part. You may be represented by an attorney at the Informal Conference, or you may appear without an attorney. The dates of the Informal Conference are October 7 – 9, 2002.

You must file a "written answer to appear" within twenty (20) days from the date of this correspondence. You may file your answer via FAX (512) 305-8101, U.S. Mail and/or telephone Kirby W. Hattox, Supervising Investigator, at (512) 305-7664, **no later than** September 30, 2002 – to schedule your Informal Conference. Docket times are assigned by the Board staff. Be advised that conferences may not be held on the last day indicated, if we anticipate that we will not have enough cases to fill the docket.

You must arrive at the Board office at least thirty (30) minutes prior to the scheduled time in order to meet with your case investigator. Please bring with you a valid form of picture identification (Drivers License, I.D. Card, etc.).

A copy of the Board's rules pertaining to Informal Conferences is enclosed. The proceedings relating to the Informal Conference are confidential and your statements made at the conference will not be offered as evidence to support the allegations in the Complaint. However, if an Agreed Order is proposed as a result of the Informal Conference, it will become a public record if accepted and ratified by the Board of Vocational Nurse Examiners.

Due to security concerns, purses, briefcases, backpacks, etc., will not be allowed into the conference chambers. (Attorneys are exempt from this requirement). Please make prior arrangements for the safekeeping of your personal belongings, as the Board will not be responsible for these items.

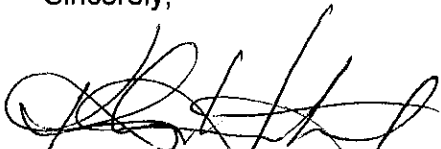
JOSE GONZALEZ  
September 12, 2002  
Page 2

**FIREARMS ARE NOT PERMITTED IN THE BOARD OF VOCATIONAL NURSE EXAMINERS OFFICES AND/OR HEARING CHAMBERS.**

**FAILURE TO ANSWER THIS NOTICE OF COMPLAINT WILL RESULT IN THE ALLEGATIONS AGAINST YOU THAT ARE SET OUT IN THE NOTICE OF COMPLAINT BEING DEEMED ADMITTED AS TRUE. IN ADDITION, YOUR OPPORTUNITY TO OBJECT TO THE PROPOSED SANCTIONS AND YOUR OPPORTUNITY FOR HEARING ON THE COMPLAINT SHALL BE DEEMED TO HAVE BEEN WAIVED.**

Should you have questions regarding the Informal Conference procedure, please contact the Enforcement Division (512) 305-7664.

Sincerely,



Kirby W. Hattox, Supervisor  
Enforcement Division

KWH/cd

Enclosure: Complaint, Informal Conference Rules, Board Location Map

cc: Regular Mail

cc: ROBERT S. SOBEL  
ATTORNEY AT LAW  
1110 AUTREY STREET  
HOUSTON, TEXAS 77006

U.S. Postal Service CERTIFIED MAIL REC (Domestic Mail Only; No In...		U.S. Postal Service CERTIFIED MAIL REC (Domestic Mail Only; No In...	
OFFICIAL		OFFICIAL	
Postage	\$	Postage	\$
Certified Fee		Certified Fee	
Return Receipt Fee (Endorsement Required)		Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)		Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$	Total Postage & Fees	\$
Sent To	ROBERT S. SOBEL ATTORNEY AT LAW 1110 AUTREY STREET HOUSTON, TEXAS 77006	Sent To	JOSE GONZALEZ 1522 LAWSON STREET HOUSTON, TEXAS 77006
Street, Apt. No., or PO Box No.		Street, Apt. No., or PO Box No.	
City, State, ZIP+		City, State, ZIP+	
PS Form 3800, January 2001		PS Form 3800, January 2001	

BOARD OF VOCATIONAL NURSE  
EXAMINERS

VS.

JOSE GONZALEZ

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\* 175311  
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**NOTICE**

Notice is hereby given in the above-referenced and styled cause of action that a hearing will be held before the Executive Director with the Board of Vocational Nurse Examiners (hereinafter "BVNE"), pursuant to the Texas Occupations Code, Chapter 302, from October 7 – 9, 2002, at the William P. Hobby Building, Tower 3, 4<sup>th</sup> Floor, Suite 400, Austin, Texas.

The purpose of said hearing will be to determine whether JOSE GONZALEZ has violated the Texas Occupations Code, Chapter 302, by engaging in the alleged acts described in the Complaint filed and served on Respondent/Applicant, and which is incorporated herein for all purposes. In addition, should the Complaint contain an allegation regarding any felony or misdemeanor conviction you may have, the hearing shall also serve the purpose of determining whether or not the BVNE, can take disciplinary action against your license pursuant to the Texas Occupations Code, Chapter 53, § 53.021.

The hearing is being conducted under authority of the Texas Occupations Code and the Administrative Procedure Act, TEX. GOV'T CODE, ANN., Chapter 2001 (Vernon's Supp. 1998).

**The Complaint is based on information received by the Board. You are hereby notified that such documentation, which may include certified business records submitted to the Board, is now on file and available for your inspection at the Board office during regular business hours prior to said hearing.**

NOTICE  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 2

When applicable, the staff will propose that the Executive Director take official notice of the following: Federal and/or State Drug Laws, relating to medical practice, the Physician's Desk Reference, the Encyclopedia and Dictionary of Medicine and Nursing, and former Orders of the Board.

According to the provisions of the aforementioned authority, you have the right to be present at the hearing and to be represented by counsel. You may also present and introduce evidence by testimony, documentation, or any other offer of proof as prescribed by the Rules of Evidence of the courts of this State in refuting the aforesaid charges.

Pursuant to the Texas Occupations Code, Chapter 302, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

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NOTICE  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 3

**TELEPHONE THE SUPERVISOR OF THE ENFORCEMENT DIVISION (512) 305-7664; WITHIN TWENTY (20) DAYS (FROM THE DATE INDICATED ON THE ENCLOSED COVER LETTER).**



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Kirby W. Hattox, Supervisor  
Enforcement Division  
Board of Vocational Nurse Examiners

ENCLOSURE: BVNE ANSWER TO APPEAR

COMPLAINT/NOTICE INFORMAL CONFERENCE  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 4

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of September, 2002, a true and correct copy of the foregoing complaint/notice was served by placement in the U.S. Mail, first class and certified return receipt, and addressed to the following person(s):

JOSE GONZALEZ  
1522 LAWSON  
HOUSTON, TEXAS 77023

ROBERT S. SOBEL  
ATTORNEY AT LAW  
1110 AUTREY STREET  
HOUSTON, TEXAS 77006



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Kirby W. Hattox, Supervisor  
Enforcement Division  
Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE  
EXAMINERS

VS.

JOSE GONZALEZ

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STATE OF TEXAS

COUNTY OF TRAVIS

### COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Kirby W. Hattox, who after being by me duly sworn, did depose and say:

*As an Investigator for the Board of Vocational Nurse Examiners, I, Kirby W. Hattox, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against JOSE GONZALEZ, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 175311, hereinafter called Respondent.*

#### I.

a. On or about March 19, 2001, the Board of Vocational Nurse Examiners received a written referral from the Texas Peer Assistance Program for Nurses (TPAPN) alleging that Respondent was non-compliant in the areas of drug screening, meeting attendance and treatment.

#### II.

a. Respondent was employed as a licensed vocational nurse at Memorial Hermann Memorial City Hospital in Houston, Texas from about February 9, 2000 through about February 21, 2000.

b. While so employed at said facility, on or about February 16, 2000, Respondent was requested to submit to a drug screen as a condition of his employment. Said screen was positive for Marijuana Metabolites.

III.

The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (10) and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:

- (10) practicing as a vocational nurse holding a license or temporary permit or a graduate making application for licensure, and or applying for employment or by virtue of being an LVN in an Educational program while the individual's ability to practice is impaired by alcohol, drugs, physical or mental disability and/or testing positive for alcohol, illicit drugs, or other substances not prescribed.


IV.

**The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations Code, Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).**

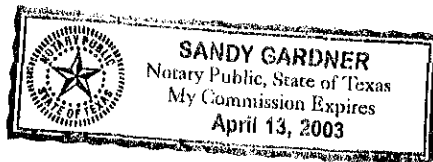



COMPLAINT  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 3

**WHEREFORE, PREMISES CONSIDERED**, I, Kirby W. Hattox, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against JOSE GONZALEZ, LVN #175311, in accordance with the provisions of the laws of the State of Texas.

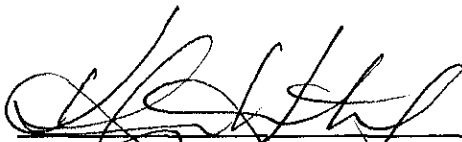
  
\_\_\_\_\_  
AFFIANT

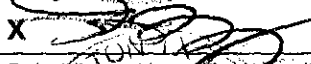
**SUBSCRIBED AND SWORN TO BEFORE ME** by the said Kirby W. Hattox, on this the day 14<sup>th</sup> June 2002.



  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
My Commission Expires 4/13/03

Filed with the Board of Vocational Nurse Examiners on the 14<sup>th</sup> day of June 2002.

  
\_\_\_\_\_  
Kirby W. Hattox, Supervisor  
Enforcement Division  
Board of Vocational Nurse Examiners

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Received by (Please Print Clearly)	B. Date of Delivery
1. Article Addressed to:  JOSE GONZALEZ 1522 LAWSON HOUSTON, TEXAS 77023  KWH/October Informal Conference	C. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
2. Article Number (Transfer from s) 7001 1140 0004 3338 1914	D. Is delivery address different from item 1? <input checked="" type="checkbox"/> YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No
<div style="border: 1px solid black; padding: 5px; display: inline-block;">             RECEIVED              SEP 23 2002              BVNE           </div>	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Received by (Please Print Clearly) <i>Meagan Laop</i> B. Date of Delivery <i>SEP 16 2007</i></p> <p>C. Signature <i>M. Laop</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>ROBERT S. SOBEL ATTORNEY AT LAW 1110 AUTREY STREET HOUSTON, TEXAS 77006 KWH/October Informal Conference (Jose Gonzalez)</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number <i>7001 1140 0004 3338 1921</i> (Transfer from s...)</p>	

**RECEIVED**  
 2007 SEP 23  
 BVNE

BOARD OF VOCATIONAL  
NURSE EXAMINERS

VS

JOSE GONZALEZ

§  
§  
§  
§  
§  
§

STATE OF TEXAS

COUNTY OF TRAVIS

**AGREED BOARD ORDER**

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 175311, held by JOSE GONZALEZ hereinafter called Respondent.

A sworn Complaint has been filed and served on the Respondent, which alleges violations of the Texas Occupations Code, Chapter 302, and grounds to take disciplinary action against Respondent.

An informal conference was held on October 7, 2002, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Terrie L. Hairston, R.N., C.H.E., Hearing Officer, assisted by Ms. Janette Bowers, member of the Board of Vocational Nurse Examiners. Respondent was present and was represented by counsel.

The conference was attended by Kirby W. Hattox, Investigator for the Board, and Mr. Joseph Pitner, Assistant Attorney General. By their notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

AGREED BOARD ORDER  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 2

After reviewing the Complaint and information provided at the informal conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.


**ORDER OF THE BOARD**


**NOW THEREFORE, IT IS ORDERED**, that license number 175311, heretofore issued to JOSE GONZALEZ to practice vocational nursing in the State of Texas be, and the same is hereby **SEVERELY REPRIMANDED**.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 7<sup>th</sup> day of October, 2002.

APPROVED:

  
\_\_\_\_\_  
Signature of Respondent

  
\_\_\_\_\_  
ROBERT S. SOBEL  
Attorney for Respondent

  
\_\_\_\_\_  
Current Address

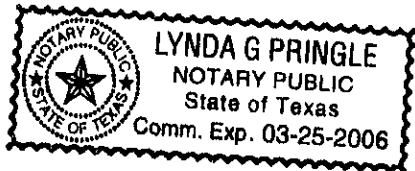
AGREED BOARD ORDER  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 3

Houston Texas 77023  
City, State and Zip  
713 1923 8518  
Area Code and Telephone Number

The State of Texas  
County of Graves

Before me, the undersigned authority, on this day personally appeared JOSE GONZALEZ who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

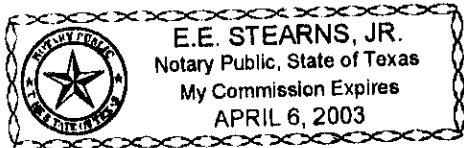
SWORN TO AND SUBSCRIBED before me this the 7<sup>th</sup> day of October, 2002.



Lynda G. Pringle  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

Terrie L. Hairston  
Terrie L. Hairston, R.N., C.H.E.,  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 3<sup>rd</sup> day of December, 2002.

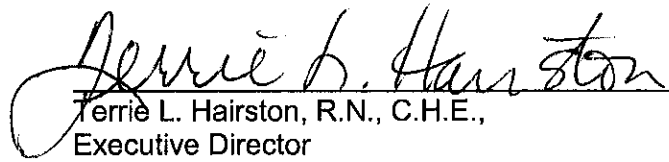


[Signature]  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

BOARD ORDER  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 4

**WHEREFORE, PREMISES CONSIDERED**, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 7<sup>th</sup> day of October, 2001 by JOSE GONZALEZ, license number 175311 and that Said Order is Final.

**Effective this 3<sup>rd</sup> day of December, 2001.**

  
\_\_\_\_\_  
Terrie L. Hairston, R.N., C.H.E.,  
Executive Director  
On Behalf of Said Board

BOARD ORDER  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 5

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of December, 2002, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

JOSE GONZALEZ  
1522 LAWSON  
HOUSTON, TEXAS 77023

ROBERT S. SOBEL  
ATTORNEY AT LAW  
1110 AUTREY STREET  
HOUSTON, TEXAS 77006



Terrie L. Hairston, R.N., C.H.E.,  
Executive Director  
Agent for the Board of Vocational Nurse Examiners



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>H. C. Gonzalez</i>      <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)      C. Date of Delivery  <span style="border: 1px solid black; padding: 2px;">12-11-02</span></p>
<p>1. Article Addressed to</p> <div style="border: 1px solid black; padding: 5px; text-align: center; width: fit-content; margin: 10px auto;"> <p><b>RECEIVED</b></p> <p>JOSE GONZALEZ DEC 16 2002</p> <p>1522 LAWSON</p> <p>HOUSTON, TEXAS 77028</p> <p>BVNE</p> </div> <p>KWH/Information Error Letter (cd)</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail      <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered      <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail      <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee)      <input type="checkbox"/> Yes</p>
<p>2. Article Number  (Transfer from se)</p>	<p style="text-align: center; font-size: 1.2em;">7002 0860 0007 8848 4277</p>



# BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

(512) 305-8100

511-03-1443

December 13, 2002

JOSE GONZALEZ  
1522 LAWSON  
HOUSTON, TEXAS 77023

Certified Mail No. 7002 0860 0007 8848 4475

Re: Board of Vocational Nurse Examiners vs. JOSE GONZALEZ, LVN #175311

Dear Mr. Gonzalez:

This is to advise you that an Administrative Hearing will be held before an Administrative Law Judge at the William P. Clements Building, 300 West 15<sup>th</sup> Street, 4<sup>th</sup> Floor, Austin, Texas, on January 14, 2003. The docket will be called subsequent to the time set forth in your Notice. Such hearing will be held to determine your eligibility for continued issuance of your license.

You must arrive at the Hearing Room at least thirty (30) minutes prior to the scheduled time in order to meet with your case Investigator. It is very **important** that you provide the security officer with the **SOAH Docket Number: 511-03-1443**, to be allowed access to the hearing room. Please allow additional time to go through the security process. Failure to provide the docket number may result in delaying arrival to the hearing.

The hearing will be based upon the Complaint previously filed and served upon you pursuant to a violation of the Texas Occupations Code, Chapter 302. Enclosed is the Notice of Hearing. You are invited and urged to appear. Your failure to appear will not prevent the Administrative Law Judge from proposing a decision, or the Board from taking disciplinary action.

Pursuant to Rule 902 of the Texas Rules of Evidence, you are hereby notified that the following records have been filed in the above referenced contested case. You are further notified that such records are available for your inspection and copying at your expense at the office of the Board of Vocational Nurse Examiners.

(1) Board of Vocational Nurse Examiners records certified by the Custodian of Records, Terrie L. Hairston, R.N., C.H.E., Austin, Texas.

(2) Referral Letter from the Texas Peer Assistance Program For Nurses (TPAPN), dated March 13, 2001.

JOSE GONZALEZ  
December 13, 2002  
PAGE 2

(3) Personnel Records certified by the Custodian of Records, Vicki M. Jones, Memorial Herman Memorial Hospital, Houston, Texas.

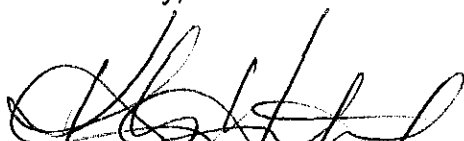
(4) Employee Health/Peer Assistance Records certified by the Custodian of Records, Maureen J. Buckley-Nance, Memorial Herman Memorial Hospital, Houston, Texas.

Due to security concerns, purses, briefcases, backpacks, etc., will not be allowed into the hearing chambers. (Attorneys are exempt from this requirement).

**FIREARMS ARE NOT PERMITTED IN THE HEARING CHAMBERS.**

If you have any questions concerning this matter, please contact the Kirby W. Hattox, at (512) 305-7664.

Sincerely,



Kirby W. Hattox, Supervisor  
Enforcement Division

KWH/cd

Enclosure: Notice, Complaint

cc: Regular Mail

cc: ROBERT S. SOBEL  
ATTORNEY AT LAW  
1110 AUTREY STREET  
HOUSTON, TEXAS 77006

7002 0860 0007 8848 4475

U.S. Postal Service <b>CERTIFIED MAIL REC</b> (Domestic Mail Only; No In...	
OFFICIAL	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To	JOSE GO
Street, Apt. No., or PO Box No.	1522 LAV HOUSTO
City, State, ZIP+ 4	
PS Form 3800, April 2002	

7002 0860 0007 8848 4482

U.S. Postal Service <b>CERTIFIED MAIL REC</b> (Domestic Mail Only; No In...	
OFFICIAL	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To	ROBERT S ATTORNEY
Street, Apt. No., or PO Box No.	1110 AUTR HOUSTON
City, State, ZIP+ 4	
PS Form 3800, April 2002	

511-03-1443

BOARD OF VOCATIONAL NURSE  
EXAMINERS

VS.

JOSE GONZALEZ

\*  
\*  
\*  
\* 175311  
\*  
\*  
\*  
\*

**NOTICE**

Notice is hereby given in the above-referenced and styled cause of action that a hearing will be held before an Administrative Law Judge with the State Office of Administrative Hearings (hereinafter "SOAH"), pursuant to 1 TEX. ADMIN. CODE Chapter 155, (the SOAH's Rules of Procedures), on Tuesday, January 14, 2003, at or after 09:00 a.m., at the William P. Clements Building, 300 West 15<sup>th</sup> Street, 4<sup>th</sup> Floor, Suite 502, Austin, Texas.

The purpose of said hearing will be to determine whether JOSE GONZALEZ has violated the Texas Occupations Code, Chapter 302, by engaging in the alleged acts described in the Complaint previously filed and served on Respondent, and which is incorporated herein for all purposes. In addition, should the Complaint contain an allegation regarding any felony or misdemeanor conviction you may have, the hearing shall also serve the purpose of determining whether or not the Board of Vocational Nurse Examiners, (hereinafter "the Board"), can take disciplinary action against your license pursuant to the Texas Occupations Code, Chapter 53, § 53.021.

The hearing is being conducted under authority of the Texas Occupations Code and the Administrative Procedure Act, TEX. GOV'T CODE, ANN., Chapter 2001 (Vernon's Supp. 1998).

The Complaint is based on information received by the Board. You are hereby notified that such documentation, which may include certified business records submitted to the Board, is now on file and available for your inspection at the Board office during regular business hours prior to said hearing.

NOTICE  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 2

When applicable, the staff will propose that the Administrative Law Judge take official notice of the following: Federal and/or State Drug Laws, relating to medical practice, the Physician's Desk Reference, the Encyclopedia and Dictionary of Medicine and Nursing, and former Orders of the Board.

According to the provisions of the aforementioned authority, you have the right to be present at the hearing and to be represented by counsel. You may also present and introduce evidence by testimony, documentation, or any other offer of proof as prescribed by the Rules of Evidence of the courts of this State in refuting the aforesaid charges.

Pursuant to the Texas Occupations Code, Chapter 302, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

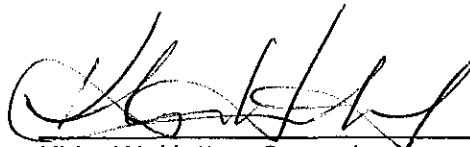
**PURSUANT TO SOAH RULE 155.55, UPON YOUR FAILURE TO APPEAR AT THE HEARING, THEN FACTUAL ALLEGATIONS IN THE NOTICE AND THE AFOREMENTIONED BOARD COMPLAINT WILL BE DEEMED ADMITTED AS TRUE, AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.**

**PURSUANT TO BOARD RULE 239.30(g), FAILURE TO ENTER AN APPEARANCE BY FILING IN WRITING AN ANSWER OR OTHER RESPONSIVE PLEADING TO THE ALLEGATIONS CONTAINED IN THE COMPLAINT WITHIN 15 DAYS OF THE DATE THIS NOTICE WAS MAILED SHALL ENTITLE ANY OPPOSING PARTY TO A CONTINUANCE AT THE TIME OF THE HEARING FOR A TIME PERIOD SET BY THE ADMINISTRATIVE LAW JUDGE.**

NOTICE  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 3

THE WRITTEN ANSWER OR OTHER RESPONSIVE PLEADING MUST BE FILED WITH BOTH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AT P.O. BOX 13025, 300 WEST 15<sup>TH</sup> STREET, SUITE 502, AUSTIN, TEXAS 78711-3025, AND THE BOARD OF VOCATIONAL NURSE EXAMINERS OFFICE AT 333 GUADALUPE, SUITE 3-400, AUSTIN, TEXAS 78701.

PURSUANT TO BOARD RULE 239.31(c), FAILURE TO APPEAR AT THE HEARING WILL RESULT IN THE ALLEGATIONS AGAINST YOU SET OUT IN THE COMPLAINT BEING ADMITTED AS TRUE.



---

Kirby W. Hattox, Supervisor  
Enforcement Division  
Agent for the Board of Vocational Nurse Examiners

ENCLOSURE:    BVNE ANSWER TO APPEAR  
                      SOAH ANSWER TO APPEAR

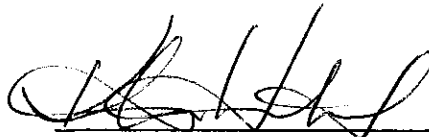
NOTICE  
RE: JOSE GONZALEZ, LVN #175311  
PAGE 4

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of December, 2002, a true and correct copy of the foregoing First Amended Complaint was served by placement in the U.S. Mail, first class and certified return receipt, and addressed to the following person(s):

JOSE GONZALEZ  
1522 LAWSON  
HOUSTON, TEXAS 77023

ROBERT S. SOBEL  
ATTORNEY AT LAW  
1110 AUTREY STREET  
HOUSTON, TEXAS 77006



---

Kirby W. Hattox, Supervisor  
Enforcement Division  
Board of Vocational Nurse Examiners



**BOARD OF VOCATIONAL NURSE EXAMINERS**  
333 GUADALUPE STREET, SUITE 3-400  
AUSTIN, TEXAS 78701  
(512) 305-8100

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March 7, 2003

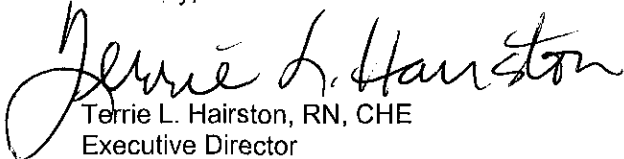
JOSE GONZALEZ  
1522 LAWSON  
HOUSTON TX 77023

Dear Mr. Gonzalez:

The enclosed Agreed Board Order has been ratified by the Board of Vocational Nurse Examiners and is now in effect.

If you have any questions concerning this matter, please contact the Enforcement Division.

Sincerely,

  
Terrie L. Hairston, RN, CHE  
Executive Director

TLH/ch

Enclosure: Agreed Order