



00073854

BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

512/305-8100

February 18, 2000

HECTOR G ESPARZA
1226 ALEZADER HAMILTON DRIVE
SAN ANTONIO, TX 78228

Dear Mr. Esparza:

Your renewal form has been referred to this office since you checked "yes" to the question on the renewal form asking if you were convicted of a felony or misdemeanor.

We have initiated an investigation into this matter to determine if you have violated any of the provisions of the Texas Occupations Code, Chapter 302.

We have enclosed Order forms for a copy of the Texas Occupations Code and Rules and Regulations.

We are at this time affording you an opportunity to **respond in writing** to this matter. In doing this we are affording you an opportunity to show that you have complied with all requirements of law, i.e., Texas Occupations Code, Chapter 302, for the retention of your license to practice vocational nursing in Texas.

If you were convicted, it will be necessary for you to submit certified copies of the Complaint or Indictment, Judgement(s) of Conviction, Sentence, Order(s) of Probation and Order(s) Revoking Probation (if applicable), and Dismissal of Criminal Charges to the Board office. If you were placed on probation or parole, a report from the applicable office will be essential. If the conviction was drug or alcohol related, and you have participated in a drug rehabilitation program, a report from your program sponsor will also be necessary.

You are also invited to provide any additional information that you wish to bring to the attention of the Board of Vocational Nurse Examiners.

If you have any questions concerning this matter, please contact me at (512) 305-7666.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Whitaker".

Patricia Whitaker
Investigator

PW/pw

Enclosures: Order Forms



BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

512/305-8100

July 17, 2000

HECTOR G. ESPARZA
1226 ALEXANDER HAMILTON DR.
SAN ANTONIO TX 78228

Dear Mr. Esparza:

You were previously advised that this office was investigating allegations contained in the enclosed Agreed Board Order.

The investigation has produced evidence of a violation of the Texas Occupations Code.

You are entitled to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings in which you may present evidence and cross examine witnesses. You are also entitled to representation by an attorney. All hearings are held in Austin. However, at this time, you are offered an alternative to a formal hearing.

If the proposed Agreed Order is acceptable to you, please sign the Agreed Order before a Notary Public and return it (all pages) to our office as soon as possible. The Agreed Order does not become effective until it is accepted and endorsed by the Board of Vocational Nurse Examiners.

If it is not acceptable, or if we do not hear from you within twenty-one (21) days of the date of this letter, we will proceed with scheduling for a future hearing on this matter in Austin.

Sincerely,

Lynda G. Pringle

Lynda G. Pringle
Investigator

LGP/as

Enclosure: Agreed Board Order

(Certified Mail - RRR)

Z 582 970 245

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	HECTOR G. ESPARZA
Street & Number	1226 ALEXANDER HAMILTON
Post Office, State, & ZIP Code	DR, SAN ANTONIO TX 78228
Postage	\$

**BOARD OF VOCATIONAL NURSE EXAMINERS**

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

512/305-8100

February 8, 2001

HECTOR ESPARZA
1226 ALEXANDER HAMILTON DR
SAN ANTONIO TX 78228

Dear Mr. Esparza:

This letter will acknowledge receipt of your court-ordered courses and letters of reference. Your Suspension shall be lifted from your license. This will allow you once again to practice in the state of Texas as a Licensed Vocational Nurse.

The reports that are due from your nursing supervisor(s) on a quarterly basis are due on the following dates:

May 8, 2001
August 8, 2001

It is also stipulated that you pay a probation monitoring fee in the amount of thirty (\$30.00) dollars on a quarterly basis on the 15th of each quarter on the following dates to-wit:

May 15, 2001
August 15, 2001

It is your responsibility to insure that you comply with all stipulations outlined in your Board Order, and that you submit all requested reports on time, and without reminders.

If you have any questions concerning compliance with this Board Order, please contact me Tuesday through Friday, 8:00a.m. - 4:30p.m., at 512/305-7667.

Sincerely,

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

Carolyn Hudson
Probation Monitor, Enforcement Division

Enclosure: Probation Documentation, LVN License
/ch

cc: Licensing Division
LVN# 073854



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

September 15, 2000

HECTOR ESPARZA
1226 ALEXANDER HAMILTON DR.
SAN ANTONIO TX 78228

Dear Mr. Esparza:

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

If you have not yet done so, you are hereby requested to return your license and/or license renewal form to this office immediately. Failure to comply could result in submission of your file to the Attorney General's Office for institution of injunctive procedures.

The Texas Occupations Code, Chapter 302 § 302.401 (f), **prohibits the practice of vocational nursing while the person's license is suspended or revoked.** Violation of this prohibition is a Class B Misdemeanor, punishable by a fine and/or jail term, upon conviction.

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

Sincerely,

A handwritten signature in cursive script that reads "Mary M. Strange".

Mary M. Strange, BSN, RN, CNA
Executive Director

MMS/as

Enclosure: Agreed Order

BOARD OF VOCATIONAL
NURSE EXAMINERS

STATE OF TEXAS

VS.

HECTOR G. ESPARZA

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 073854 held by HECTOR G. ESPARZA, 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 been convicted of a crime of the grade of a misdemeanor that relates to the practice of vocational nursing and/or involves moral turpitude, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (3) (B), and 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 February 7, 2000, Respondent submitted his Licensure Renewal Application to the Board of Vocational Nurse Examiners. On said Application, Respondent answered "yes" to question fifteen (15): "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

b. On or about June 8, 1999, Respondent was convicted of the Misdemeanor Offense of: DRIVING WHILE INTOXICATED in the County Court at Law No. 1 of Bexar County, Texas under Cause Number 72338. Respondent was subsequently placed on two years probation.

c. Respondent has been convicted of a crime, which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

AGREED BOARD ORDER
RE: HECTOR G. ESPARZA, LVN #073854
PAGE 2

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 073854, heretofore issued to HECTOR G. ESPARZA to practice vocational nursing in the State of Texas be, and the same is hereby suspended, until such time as Respondent provides the Board with the following documentation: a letter explaining circumstances of the conviction, certificates of completion of court-ordered courses, and three (3) notarized letters of reference (one of which must be from the parole officer). Upon receipt of said documentation, the suspension of said license shall be automatically stayed and placed on probation for a period of six (6) months.

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code, Chapter 302 and Rules and Regulations of the Board.

3. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.

4. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

5. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. four (4).

6. That Respondent shall work only under the supervision of a licensed medical professional (MD, RN, LVN) who is physically present on the work premises during Respondent's shift assignment(s), throughout the term of the probation.

7. That Respondent shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Respondent's history, and it is incumbent upon Respondent to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.

8. That Respondent shall submit to random periodic blood alcohol drug screen(s) upon demand of the Board staff throughout the term of probation. Respondent shall submit to a drug screening panel consisting of the following: Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Hydrocodone, Meperidine, Opiates, Propoxyphene, PCP, Morphine, Codeine, Methadone, and Methaqualone. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Respondent. That a report of a positive drug screen or unprescribed controlled substances shall be considered a violation of probation.

9. That Respondent shall provide the Board a telephone number by which Respondent may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Respondent must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulation No. eight (8). An inability to contact Respondent by telephone to request said required drug screens shall be considered a violation of probation.

10. That Respondent shall pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners, 333 Guadalupe, Suite 3-400, Austin, TX 78701". Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

AGREED BOARD ORDER
RE: HECTOR G. ESPARZA, LVN #073854
PAGE 4

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 26th day of JULY, 2000.

Hector G. Esparza
Signature of Respondent

1226 Alexander Hamilton
Current Address

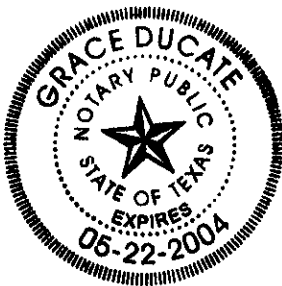
San Antonio, Texas 78228
City, State and Zip

210 / 435-5222
Area Code and Telephone Number

The State of Texas
County of Bexar

Before me, the undersigned Authority, on this day personally appeared HECTOR G. ESPARZA, 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.

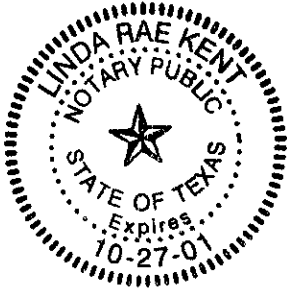
SWORN TO AND SUBSCRIBED before me on this the 26 day of July, 2000.




Grace Ducate
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires _____

Mary M. Strange
Mary M. Strange, RN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 15th
day of August, 2000.



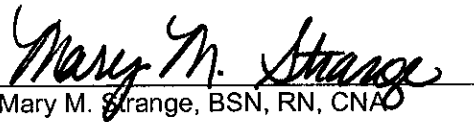

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

00073854

BOARD ORDER
RE: HECTOR G. ESPARZA LVN #073854
PAGE: 2

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners (the Board) for the State of Texas does hereby accept the Affidavit endorsed on the 26th day of July, 2000 by HECTOR G. ESPARZA, license number 073854; that the Board hereby ratifies and adopts the Final Order.

Effective this 11th day of September, 2000.



Mary M. Strange, BSN, RN, CNA
Executive Director
On Behalf of Said Board


00073854

BOARD ORDER
RE: HECTOR G. ESPARZA, LVN #073854
PAGE: 3

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of September, 2000, 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):

HECTOR G. ESPARZA
1226 ALEXANDER HAMILTON DR.
SAN ANTONIO TX 78228


Mary M. Strange, BSN, RN, CNAS
Executive Director
Agent for the Board of Vocational Nurse Examiners



00073854

BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

512/305-8100

August 17, 2001

HECTOR ESPARZA
1226 ALEXANDER HAMILTON DR
SAN ANTONIO TX 78228

Dear Mr. Esparza:

You have successfully completed your term of probation as stipulated by the Board of Vocational Nurse Examiners.

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
Probation Monitor, Enforcement Division

/ch