

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 197682
ISSUED TO
ONESIMO PANALEZ FLORES

§
§
§
§
§
§
§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING

ORDER OF THE BOARD

TO: ONESIMO PANALEZ FLORES
POST OFFICE BOX 624
CRYSTAL CITY, TEXAS 78839

During open meeting held in Austin, Texas, on December 11, 2007, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

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

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

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

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

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

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

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 197682, previously issued to ONESIMO PANALEZ FLORES, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 197682, previously issued to ONESIMO PANALEZ FLORES, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

Entered this 11th day of December, 2007.

TEXAS BOARD OF NURSING

BY:


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

Re: Permanent Certificate Number 197682
Issued to Onesimo Panalez Flores
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December, 2007, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

ONESIMO PANALEZ FLORES
POST OFFICE BOX 624
CRYSTAL CITY, TEXAS 78839

BY:



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

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

§
§
§

BEFORE THE BOARD
OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ONESIMO PANALEZ FLORES, is a Vocational Nurse holding license number 197682, which is in current status at the time of this pleading.

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

CHARGE I.

On or about May 22, 1998, Respondent entered a plea of "Guilty" and was convicted of DRIVING WHILE INTOXICATED, a Class B Misdemeanor offense committed on June 7, 1997, in the County Court at Law of Walker County, Texas, under Cause No. 97-905. As a result of the conviction, Respondent was sentenced to serve ninety (90) days confinement in the Walker County Jail; however, the imposition of sentence of confinement was suspended and Respondent was placed on community supervision for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Article 4528c, Sec. 10(a)(9), TEX. REV. CIV. STAT. ANN., and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(iv).

CHARGE II.

On or about April 30, 2001, Respondent was arrested by the Frio County Sheriff's Office, Pearsall, Texas, for DRIVING WHILE INTOXICATED - 2nd.

On or about May 14, 2001, Respondent entered a plea of "Nolo Contendere" to a Lesser Charge of RECKLESS DRIVING, a Class B Misdemeanor offense, in the County Court of Law of Frio County, Texas, under Cause No. 17,837. As a result, the proceedings against Respondent were deferred pending Respondent's full payment of a court-ordered fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code.

CHARGE III.

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 . . .?"

On or about May 22, 1998, Respondent was convicted of DRIVING WHILE INTOXICATED, in the County Court at Law of Walker County, Texas, under Cause No. 97-905.

On or about May 14, 2001, Respondent entered a plea of "Nolo Contendere" to a Lesser Charge of RECKLESS DRIVING, in the County Court of Law of Frio County, Texas, under Cause No. 17,837.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

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

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency and Lying and Falsification which can be found at the Board's website, www.bon.state.tx.us.

Filed this 28th day of September, 2007.

TEXAS BOARD OF NURSING



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

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

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

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305.8101 or (512)305-7401