

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 73600	§	
Issued to ELVIRA G. CASTAÑO	§	ORDER

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 73600, issued to ELVIRA G. CASTAÑO, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal conference, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal conference, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Southwest Texas Junior College, Del Rio, Texas, on August 8, 1977. Respondent was licensed to practice vocational nursing in the State of Texas on November 22, 1977.
4. Respondent's nursing employment history includes:

11/1977 - 09/2001	Unknown	
10/2001 - 01/2004	Staff Nurse	CHRISTUS Santa Rosa Health Care San Antonio, Texas

Respondent's nursing employment history continued:

02/2004 - 06/2004		Not working due to injury at CHRISTUS Santa Rosa Health Care San Antonio, Texas
07/2004 - 12/2004	Staff Nurse	CHRISTUS Santa Rosa Health Care San Antonio, Texas
01/2005 - 06/2007	Staff Nurse	Kindred Hospital San Antonio, Texas
07/2007 - Present		Not working due to health.

6. On or about April 4, 2005, Respondent was provided notice of alleged violations of the Nursing Practice Act, as follows:
  - A. That, on or about December 2, 2004, while employed as a Staff Nurse with CHRISTUS Santa Rosa Medical Center, San Antonio, Texas, Respondent failed to report the abnormal vital signs and decreased pulse oximetry of a patient who was suffering from pneumonia to a nurse supervisor or a physician; and
  - B. That on or about December 2, 2004, while employed as a Staff Nurse with CHRISTUS Santa Rosa Medical Center, San Antonio, Texas, Respondent failed to intervene appropriately and /or document her interventions in the medical record of the aforementioned patient, including but not limited to: (i) That she failed to administer and/or document administration of oxygen in response to the patient's decreased pulse oximetry; and, (ii) That she failed to re-assess and/or document the re-assessment of the patient's abnormal vital signs. Within hours, the patient experienced significant hypoxia and required emergent transfer to the Intensive Care Unit.
7. Formal Charges were filed on March 22, 2007.
8. Formal Charges were mailed to Respondent on March 23, 2007.
9. On January 8, 2008, Respondent submitted a notarized statement to the Board voluntarily surrendering her license to practice vocational nursing in Texas. A copy of Respondent's notarized statement, dated January 8, 2008, is attached and incorporated herein by reference as part of this Order.

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### 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 may be sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(D),(1)(M),(1)(N),(1)(P)&(2)(A) and 217.12(1)(A),(1)(B)&(4).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§ 213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER


NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 73600, heretofore issued to ELVIRA G. CASTAÑO, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to ELVIRA G. CASTAÑO, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN," or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until one (1) year has elapsed from the date of this Order.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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 compact states.

Effective this 8<sup>th</sup> day of January, 2008.

TEXAS BOARD OF NURSING

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

STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS

I, Elvira G. Castaño, being over 18 years of age and of sound mind do hereby state that due to health reasons I wish to voluntarily surrender my license to practice vocational nursing, license number 73600, in the State of Texas. I am not admitting to the pending formal charges by the Texas Board of Nursing and understand that the pending formal charges will be resolved. I plan to apply for reinstatement of license. I understand that I have to wait one (1) year after the date of this Order to do so. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Elvira G. Castaño

Elvira Castaño  
PO Box 91071  
San Antonio, Texas 78209  
Vocational Nurse License Number 73600  
Date January 8, 2008

The State of Texas

Before me, the undersigned authority, on this date personally appeared Elvira Castaño who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 08 day of January, 2008.

Carl S. Pepper  
Notary Public in and for the State of Texas

