

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 95004 §
issued to ERNESTO ALVARADO §

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 95004, issued to ERNESTO ALVARADO, 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 Maverick County School of Vocational Nursing, Eagle Pass, Texas, on February 8, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on May 27, 1982.
4. Respondent's vocational nursing employment history includes:

5/82-8/97	Unknown	
9/97-3/98	Licensed Vocational Nurse (LVN)	Doctors Hospital of Laredo Laredo, Texas

Respondent's vocational nursing employment history continued:

4/98-8/06	LVN	Eagle Pass Nursing & Rehabilitation Eagle Pass, Texas
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9/06-Present	Unknown	
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5. In a letter dated September 25, 2006, Respondent was noticed by the Board of Nurse Examiner's for the State of Texas for the following alleged violations of the Nursing Practice Act of the State of Texas:

- On or about August 26, 2006, while employed with Eagle Pass Nursing & Rehabilitation, Eagle Pass, Texas, Respondent failed to perform a focused nursing assessment and evaluation of Patient Number 321587 as his shift began and after he was informed that the patient had sustained a fall five (5) hours earlier on the previous shift. Additionally, Respondent did not continue the periodic assessment and monitoring of patient's neurological status, as required by the facility's policy and procedure.
- On or about August 26, 2006, while employed with Eagle Pass Nursing & Rehabilitation, Eagle Pass, Texas, Respondent failed to immediately institute cardiopulmonary resuscitation (CPR) after being informed that the aforementioned Patient Number 321587 had been found on the floor and after he noted that the patient had no blood pressure, pulse or respirations. Instead, seventeen (17) minutes after the initial discovery, Respondent left the resident in the care of nurse aides while he went to call 911 and notify the patient's family. Upon returning to the patient's room, a nurse aide had begun chest compressions, which she continued until EMS arrived two (2) minutes later. The patient was transported to an acute care facility, and was pronounced deceased a short time later.

6. On April 17, 2008, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas due to health reasons. A copy of the notarized statement is attached and incorporated, by reference, as part of this Order.

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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B),(M)&(S) & (2)(A), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).
3. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
4. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
5. 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 95004, heretofore issued to ERNESTO ALVARADO, 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-sized license, heretofore issued to ERNESTO ALVARADO, 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 himself 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 22nd day of April, 2008.

TEXAS BOARD OF NURSING

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

RESPONDENT'S CERTIFICATION

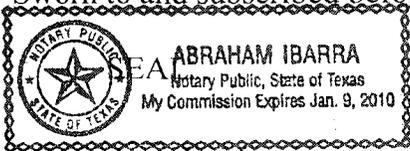
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15th day of April, 2008.

Ernest Alvarado

ERNESTO ALVARADO, Respondent

Sworn to and subscribed before me this 15th day of April, 2008.



Abraham Ibarra

Notary Public in and for the State of Texas

my intention is to surrender my license

Due to health reasons, I am unable to comply. I

voluntarily surrender my licensed vocational nurse ^{license} back to the Texas State Board of Nursing.

Please advise: Sincerely yours Ernest Alvarado