BEFORE THE TEXAS BOARD OF NURSING
****

In the Matter of License Number 70332 §
Issued to **RICHARD G. RAMIREZ** §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, entered the SUSPENSION of License Number 70332, issued to RICHARD G. RAMIREZ, hereinafter referred to as Respondent. This action was taken in accordance with chapters 231 and 232, Texas Family Code.

On September 15, 2010, Respondent's license to practice vocational nursing was Suspended by the Attorney General of the State of Texas. A copy of this Order is attached and incorporated herein. NOW, THEREFORE, IT IS ORDERED that the Suspension of License Number 70332, heretofore issued to RICHARD G. RAMIREZ, to practice vocational nursing in the State of Texas, is entered by the Executive Director on behalf of the Texas Board of Nursing. Said Suspension SHALL be in effect until such time that the Attorney General of the State of Texas notifies the Board that the Suspension of Respondent's vocational license to practice in this State has been lifted. In connection with this action, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to RICHARD G. RAMIREZ, to the office of the Board of Nursing.

2. RESPONDENT SHALL NOT practice vocational nursing, use the title of "licensed 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 suspended.

3. Upon the Suspension being lifted, RESPONDENT SHALL satisfy all then existing requirements for licensure, if any.

Effective this 1st day of October, 2010.

TEXAS BOARD OF NURSING

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

TEXAS BOARD OF NURSING
I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

FILED
2010 AUG-16-AM 8:00

OFFICE OF THE
ATTORNEY GENERAL-CSD
COORDINATOR

CONFIDENTIAL
Pursuant to Texas Family Code
§ 231.108 and 42 USCA § 654(26)

SOAH Docket No. 302-10-5337.CS
OAG Docket No. 10-202-4519863831

ATTORNEY GENERAL OF TEXAS, **Petitioner**	§	**BEFORE THE STATE OFFICE**
V.	§	**OF**
RICHARD RAMIREZ, **Respondent**	§	**ADMINISTRATIVE HEARINGS**

DECISION AND ORDER

The Office of the Attorney General of Texas, Petitioner, seeks to suspend the **Driver's and Licensed Vocational Nurse** license held by **RICHARD RAMIREZ**, Respondent, based on the alleged failure of Respondent to pay child support in accordance with a court order. Because Respondent failed to either request a hearing or appear at the hearing, the allegations of the petition for suspension are deemed admitted, and the license should be suspended.

I. FINDINGS OF FACT

1. Petitioner issued a Petition to Suspend License (Petition) on **March 26, 2010**.

2. Respondent was duly served with notice of the Petition on **July 19, 2010**. The notice informed Respondent of the right to a hearing before the Title IV-D agency and the deadline for requesting a hearing, and included a hearing request form.

3. Respondent failed to respond to the notice of the Petition by requesting a hearing or appearing at the scheduled hearing.

4. Respondent holds the following license:

Type of License	License #	Licensing Authority
Driver's license	12179864	Texas Department of Public Safety
Licensed Vocational Nurse	00070332	Board of Nursing

5. Respondent's child support payment is **$385.00** per month.

6. Respondent's child support obligation for a three month period is $1,155.00.

7. Respondent's total overdue child support (arrearage) owed under a child support order is **$54,398.47** as of **March 18, 2010**.

8. Respondent owes overdue child support in an amount equal to or greater than the total support due for three months.

9. Respondent entered into a voluntary or court ordered repayment schedule. Respondent is not in compliance with the repayment schedule.

II. Conclusions of Law

1. The Office of the Attorney General for the State of Texas (Petitioner), as a Title IV-D agency under Title IV, Part D of the federal Social Security Act of 1935, as amended, 42 USCA § 651 *et seq.*, has jurisdiction to bring a Petition to Suspend License pursuant to Tex. Fam. Code Ann. (Code) chs. 231 and 232. Jurisdiction to hear the petition in this matter resides with the State Office of Administrative Hearings (SOAH) pursuant to the Interagency Cooperation Act, Tex. Gov't Code Ann. § 771.001 *et seq.*, and pursuant to authority granted to SOAH by Tex. Gov't Code Ann. § 2003.024 and to the Petitioner pursuant to Code § 231.002(a)(2) and (c).

2. Notice was effected upon Respondent in accordance with Code §§ 232.005 and 232.006; Tex. Gov't Code Ann. §§ 2001.051 and 2001.052.

3. Pursuant to § 232.009 of the Code and based on Respondent's failure to respond to the notice of the Petition by requesting a hearing or appearing at the scheduled hearing, Petitioner's allegations against Respondent, reflected in the Findings of Fact, are deemed admitted.

4. Pursuant to Code §§ 232.008-232.009, Respondent's license identified in the Findings of Fact No. 4 should be suspended.

ORDER

Based on the foregoing findings of fact and conclusions of law, and pursuant to Code §§ 232.008-232.009, it is ordered that the following license held by the Respondent be suspended and notice of said suspension shall be given to the issuer of the license:

Type of License	License #	Licensing Authority
Driver's license	12179864	Texas Department of Public Safety
Licensed Vocational Nurse	00070332	Board of Nursing

RICHARD RAMIREZ is ordered not to engage in any activity covered by the license that has been suspended pursuant to these proceedings. The license may not be reissued, reinstated, or otherwise renewed authorizing the same or similar activity until an appropriate order vacating or staying the suspension is issued to the licensing authority.

AN INDIVIDUAL WHO CONTINUES TO ENGAGE IN THE BUSINESS, OCCUPATION, PROFESSION, OR OTHER LICENSED ACTIVITY AFTER THE IMPLEMENTATION OF THE ORDER SUSPENDING THE LICENSE BY THE LICENSING AUTHORITY IS LIABLE FOR THE SAME CIVIL AND CRIMINAL PENALTIES PROVIDED FOR ENGAGING IN THE LICENSED ACTIVITY WITHOUT A LICENSE OR WHILE A LICENSE IS SUSPENDED THAT APPLY TO ANY OTHER LICENSE HOLDER OF THAT LICENSING AUTHORITY.

SIGNED August 16, 2010.

GARY W. ELKINS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE TO THE PARTIES

PURSUANT TO TEX. GOV'T CODE ANN. §§ 2001.142 AND 2001-144 - 2001.146, YOU ARE GIVEN NOTICE THAT THIS DECISION WILL BECOME A FINAL ORDER DISPOSING OF THE PETITION TO SUSPEND LICENSE UNLESS A REQUEST FOR REHEARING IS TIMELY FILED. A MOTION FOR REHEARING MUST BE FILED BY A PARTY NOT LATER THAN THE 20TH DAY AFTER THE DATE ON WHICH THE PARTY IS NOTIFIED BY FIRST CLASS MAIL OF THIS DECISION. A PARTY IS PRESUMED TO HAVE BEEN NOTIFIED ON THE THIRD DAY AFTER THE DATE ON WHICH THIS DECISION WAS MAILED.

IF YOU FILE A MOTION FOR REHEARING AND IT IS DENIED BY THE ADMINISTRATIVE LAW JUDGE IN A WRITTEN ORDER, YOU MAY FILE AN APPEAL IN A TRAVIS COUNTY DISTRICT COURT WITHIN 30 DAYS OF THE DATE THE ORDER DENYING THE REHEARING IS SIGNED . IF YOU DO NOT FILE A MOTION FOR REHEARING WITHIN 20 DAYS OF THE DATE OF YOU RECEIVED THIS NOTICE, THIS DECISION WILL BECOME FINAL AND YOU WILL LOSE YOUR RIGHT TO APPEAL TO DISTRICT COURT.

IN THE EVENT THE PARTIES MUTUALLY AGREE TO THE ENTRY OF A CONSENT ORDER BEFORE THE PERIOD FOR FILING A MOTION FOR REHEARING EXPIRES, THE ADMINISTRATIVE LAW JUDGE MAY SUBSTITUTE THE CONSENT ORDER FOR THIS DECISION.

IF YOU DO NOT RECEIVE A DECISION EITHER GRANTING OR DENYING THE MOTION FOR REHEARING WITHIN 45 DAYS OF BEING NOTIFIED OF THE DECISION, THE MOTION FOR REHEARING WILL HAVE BEEN OVERRULED BY OPERATION OF LAW, AND YOU MAY FILE AN APPEAL WITHIN 30 DAYS OF THAT DATE. THE ADMINISTRATIVE LAW JUDGE MAY, BY WRITTEN ORDER, EXTEND THE PERIOD OF TIME FOR FILING A MOTION FOR REHEARING AND REPLIES, AND TAKING AGENCY ACTION, EXCEPT THAT AN EXTENSION MAY NOT EXCEED 90 DAYS FROM THE DATE THE FINAL DECISION OR ORDER IS SIGNED.

IF YOUR LICENSE HAS BEEN SUSPENDED AS A RESULT OF THESE PROCEEDINGS AND NO MOTION FOR REHEARING HAS BEEN FILED, THIS DECISION WILL BE MAILED TO THE APPROPRIATE LICENSING AGENCY REQUESTING THE SUSPENSION OF YOUR LICENSE. YOU MAY REQUEST REINSTATEMENT OF YOUR LICENSE BY PAYING THE FULL AMOUNT OF THE ARREARAGE OR ESTABLISHING A SATISFACTORY PAYMENT RECORD AND ENTERING INTO A REPAYMENT AGREEMENT THROUGH YOUR LOCAL CHILD SUPPORT OFFICE. A SATISFACTORY PAYMENT RECORD MAY BE ESTABLISHED BY MAKING CONSISTENT PAYMENTS IN ACCORDANCE WITH YOUR MOST RECENT COURT ORDER, INCLUDING PAYMENTS AGAINST THE ARREARAGE, OR BY MAKING A SUBSTANTIAL LUMP-SUM PAYMENT SATISFACTORY TO THE OFFICE OF THE ATTORNEY GENERAL.

IT IS YOUR RESPONSIBILITY TO NOTIFY THE OFFICE OF THE ATTORNEY GENERAL OR THE LOCAL CHILD SUPPORT OFFICE IF YOU HAVE PAID THE FULL AMOUNT OF THE ARREARAGE OR FEEL THAT YOU HAVE ESTABLISHED A SATISFACTORY PAYMENT RECORD. ONCE THESE CONDITIONS HAVE BEEN MET, EITHER YOU OR THE OFFICE OF THE ATTORNEY GENERAL MAY PETITION TO VACATE OR STAY THE SUSPENSION OF YOUR LICENSE.