BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 732493	§	
issued to PAUL ANTHONY SOMOSO	§	ORDER

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

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo accepted the voluntary surrender of Registered Nurse License Number 732493, issued to PAUL ANTHONY SOMOSO, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from South Texas Community College, McAllen, Texas on June 15, 2006. Respondent was licensed to practice professional nursing in the State of Texas on August 8, 2006.

5. Respondent's professional nursing employment history includes:

09/06 - 02/07	RN	South Texas Health System Edinburg, Texas

Respondent's professional nursing employment history continued:

02/07 - 05/07	RN	MS Healthcare Edinburg, Texas
06/07 - 07/08	RN	Doctor's Hospital at Renaissance Edinburg, Texas
09/08 - 11/10	RN	Nino's Home Care, Inc. Edinburg, Texas
12/10 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse in the with Nino's Home Care, Inc., Edinburg, Texas, and had been in this position for two (2) years and two (2) months.

7. On or about November 9, 2010, while employed with Nino's Home Care, Inc., Edinburg, Texas, and on assignment in the residence of Patient Number PD-05, Respondent bit said patient on the cheek which caused bruising. On or about November 22, 2010, Respondent was arrested for "Injury to a Child/Elderly/Disabled Criminal Negligence," a State Jail Felony, by the McAllen Police Department, McAllen, Texas. Respondent's conduct exposed the patient unnecessarily to the risk of physical and emotional harm.

8. Respondent admits to the conduct outlined in Finding of Fact Number Seven (7). He states that the biting of his patient's cheek was a term of endearment and not in any way malicious, and his intent was to comfort the child during his nursing care.

9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4) & (6)(C).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 732493, heretofore issued to PAUL ANTHONY SOMOSO, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 732493, heretofore issued to PAUL ANTHONY SOMOSO, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.

3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 19th day of April, 2011.

PAUL ANTHONY SOMOSO, Respondent

Sworn to and subscribed before me this 19th day of April, 2011.

SEAL

MYRNA I. BANALES
MY COMMISSION EXPIRES
March 19, 2013

Notary Public in and for the State of Texas

Approved as to form and substance.

for Edward Castillo

EDWARD J. CASTILLO, Attorney for Respondent

Signed this 19th day of April, 2011.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 732493, previously issued to PAUL ANTHONY SOMOSO.

Effective this 26th day of April, 20 11.

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