

Respondent's vocational employment history continued:

2/2003 - 4/2003	LVN	Lubbock Healthcare Center Lubbock, Texas
2/2003 - 4/2003	LVN	Nurse Finders Amarillo, Texas
4/2003 - Unknown	LVN	Medical Staffing Network Lubbock, Texas
11/2003 - Unknown	LVN	Prime Staff Lubbock, Texas
3/2004 - 7/2008	LVN	SMC Health Resources, Inc. Fairfield, Texas
8/2008 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with SMC Health Resources, Inc., Fairfield, Texas and had been in this position for four (4) years and four (4) months.
7. On or about July 14, 2008, while employed with SMC Health Resources, Inc., Fairfield, Texas, and on assignment with Covenant Health Systems, Lubbock, Texas, Respondent withdrew Hydromorphone 2MG/1 ML AMP from the Pyxis Medication Dispensing System but failed to document the administration of said medications in the patient's Medication Administration Record (MAR). Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on his documentation to further medicate the patient which could result in an overdose.
8. On or about July 14, 2008, while employed with SMC Health Resources, Inc., Fairfield, Texas, and on assignment with Covenant Health Systems, Lubbock, Texas, Respondent misappropriated Hydromorphone belonging to the facility and or patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
9. On or about April 7, 2011 Respondent plead guilty to the offense of "Obtain Controlled Substance by Fraud - Schedule III," a 3rd Degree Felony in the District Court of Lubbock County, Texas. Adjudication of guilt was deferred and Respondent was placed on probation.
10. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

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 a violation of Section 301.452(b)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4),(6)(G),(10)(B),(E),(11)(B) &(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational License Number 179797, heretofore issued to HERNANDO DE SOTO, 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 Vocational License Number 179797, heretofore issued to HERNANDO DE SOTO, 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 vocational nursing, use the title "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.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure for an indefinite period of time 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.

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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 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.

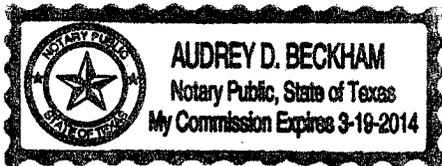
Signed this 27 day of April, 2011.

[Signature]
HERNANDO DE SOTO, Respondent

Sworn to and subscribed before me this 7th day of April, 2011.

SEAL

[Signature]
Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Nurse License Number 179797, previously issued to HERNANDO DE SOTO.



Effective this 7th day of April, 2011.


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