

BEFORE THE 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.
Patricia P. Roman
Executive Director of the Board

In the Matter of Registered Nurse § AGREED
License Number 729586 and Vocational §
Nurse License Number 183675 issued to §
PEDRO GARCIA § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 729586 and Vocational Nurse License Number 183675, issued to PEDRO GARCIA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the 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.
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Nursing from Del Mar College, Corpus Christi, Texas on December 12, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on February 21, 2002. Respondent received an Associate Degree in Nursing from Del Mar College, Corpus Christi, Texas on May 11, 2006. Respondent was licensed to practice professional nursing in the State of Texas on June 22, 2006.

5. Respondent's professional and vocational employment history includes:

02/2002 to 06/2006	LVN/ICU	Christus Spohn Memorial Corpus Christi, Texas.
06/2006 to 02/2008	RN/ICU	Christus Spohn Shoreline Corpus Christi, Texas.
02/2008 to Present	RN	Baptist Hospital/St. Luke San Antonio, Texas.

6. At the time of the incident described in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse in the Cardiac Cath Lab with Baptist Hospital/St. Luke, San Antonio, Texas and had been in this position for one (1) year and five (5) months.

7. On or about July 9, 2009, while holding licenses as a Registered Nurse and a Vocational Nurse in the State of Texas, Respondent received a True Bill Of Indictment from the Grand Jury of Nueces County on one (1) count of Indecency With A Child, a Felony of the 2nd Degree. On or about May 28, 2009, Respondent gave Investigating Detective B. L. Moss #1087, of the Corpus Christi Police Department, Corpus Christi, Texas, and Polygraph Operator L. Serna, a verbal audio/video statement wherein Respondent agreed that what the victim, a nine(9)-year-old female child, at the time of the incident, had alleged was true and that Respondent had inadvertently touched her buttocks for reasons of sexuality. On or about August 12, 2009, Respondent was arrested by the Nueces County Sheriff's Office, Corpus Christi, Texas under said Indictment, and charged with Indecency With A Child, a 2nd Degree Felony with said charges being referred to the Nueces County District Attorney's Office, Corpus Christi.

On or about March 21, 2011, Respondent entered a plea of Guilty to Indecency With a Child (a 2nd degree Felony committed on or about March 15, 2006) in the 94th District Court of Nueces, County, Texas, under Cause Number 09CR2183-C. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of eight years and was required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure.

8. Charges were filed on March 11, 2010.

9. Charges were mailed to Respondent on March 15, 2010.

10. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his licenses 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) and 301.4535, Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(13).
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 729586 and Vocational Nurse License Number 183675, heretofore issued to PEDRO GARCIA, including revocation of Respondent's licenses 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 729586 and Vocational Nurse License Number 183675, heretofore issued to PEDRO GARCIA, 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 or vocational nursing, use the title "registered or vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying himself as a registered or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered or vocational nurse

during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until the fifth anniversary of the date the Respondent successfully completes and is dismissed from community supervision or parole for the offense outlined in Finding of Fact Number Seven (7).
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

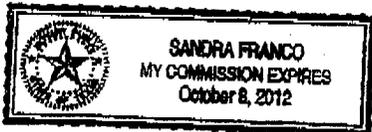
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 21 day of March, 20 11.

Pedro Garcia
PEDRO GARCIA, Respondent

Sworn to and subscribed before me this 21 day of March, 20 11.

SEAL



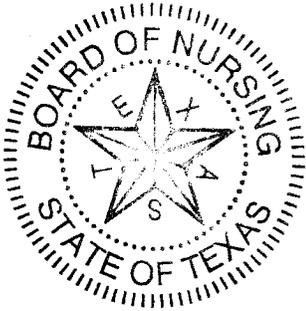
Sandra Franco
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Frank G. Davila
Frank G. Davila, Attorney for Respondent

Signed this 21 day of March, 20 11.

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 729586 and Vocational Nurse License Number 183675, previously issued to PEDRO GARCIA.



Effective this 23rd day of March, 2011.

A handwritten signature in cursive script, reading 'Katherine A. Thomas', is written over a horizontal line.

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