



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. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 155252 §
issued to ALFONSO MONIZ DESA §

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 155252, issued to ALFONSO MONIZ DESA, 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 proceedings, 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 proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from St. Philips College, New Braunfels, Texas, on August 10, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on October 23, 1995.

4. Respondent's nursing employment history includes:

| | | |
|-------------------|-----------------|--|
| 08/1995 - 06/2006 | Unknown | |
| 07/2006 - Unknown | MDS Coordinator | Chisholm Trail Nursing Home Lockhart, Texas |
| 01/2007 - 02/2008 | Charge Nurse | Oakcreek Nursing and Rehabilitation Luling, Texas |
| 03/2008 - Present | Unknown | |

5. Formal Charges were filed on December 9, 2010. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
6. Formal Charges were mailed to Respondent on December 13, 2010.
7. On or about February 14, 2011, Respondent's wife telephonically communicated to the Board that Respondent had suffered a ruptured cerebral aneurysm resulting in physical and cognitive impairment. She further communicated Respondent's desire to voluntarily surrender his license to practice vocational nursing in the State of Texas
8. On or about February 18, 2011, the Board received a handwritten, signed statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated February 16, 2011, is attached and incorporated herein 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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D), (1)(M),(1)(P)&(2)(A) and 217.12(1)(A),(1)(B),(1)(C),(4)&(6)(C).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. 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 155252, heretofore issued to ALFONSO MONIZ DESA, 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 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.
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.

Effective this 2nd day of March, 2011.

TEXAS BOARD OF NURSING



By:

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

To Board of Nursing State of Texas

Please allow my wife Eva d. DeSa, to act on my behalf concerning matters involving my LVN license #155252, which I am voluntarily surrendering my LVN TX license to practice nursing.

Alfonso DeSa
Alfonso DeSa
2/16/11

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 155252, Issued to §
ALFONSO MONIZ DESA, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ALFONSO MONIZ DESA, is a Vocational Nurse holding license number 155252, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about January 29, 2008, while employed as a Charge Nurse with Oakcreek Nursing and Rehabilitation, Luling, Texas, Respondent failed to assess and intervene regarding the change in condition of Resident BN, who was receiving antibiotic therapy for treatment of pneumonia and had orders for as needed suctioning and nebulizer treatments, even though staff reported their concerns to him several times before noon, including that the resident was having trouble breathing. Respondent never assessed the resident, and instead, went to lunch. Another nurse, who was summoned by the CNA, noted that the resident was gurgling, coughing up phlegm, and turning blue, and notified the physician. The resident was emergently transferred to the hospital and received treatment. Respondent's conduct was likely to injure the resident from undetected and untreated progression of clinical complications which could have resulted in resident demise.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(M),(1)(P)&(3)(A) and 217.12(1)(A),(1)(B),(4)&(6)(C).

CHARGE II.

On or about January 29, 2008, while employed as a Charge Nurse with Oakcreek Nursing and Rehabilitation, Luling, Texas, Respondent failed to appropriately document in the resident's medical record; his only documentation was at 0745 hours when he recorded the resident's temperature and the presence of upper airway congestion. Respondent did not document that he had been informed by staff that the resident's respiratory status had worsened. Respondent's conduct resulted in an incomplete medical record and was likely to harm the resident in that subsequent caregivers would not have accurate information on which to base their care decisions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(D) and 217.12(1)(A),(1)(B)&(1)(C).

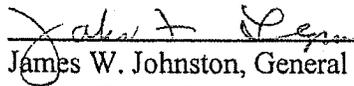
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 9th day of December, 2010.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701