

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 584016 §
issued to FRANCISCO PIZANA JR. § ORDER



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.
Katherine A. Thomas
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of FRANCISCO PIZANA JR., Registered Nurse License Number 584016, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 21, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on 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 representation by counsel, 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 a Baccalaureate Degree in Nursing from the University of Texas, El Paso, Texas, on May 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.
5. Respondent's nursing employment history is unknown.
6. On or about July 17, 1985, Respondent was arrested by the Fort Worth Police Department, Fort Worth, Texas, for PUBLIC LEWDNESS (a misdemeanor offense).

On or about February 25, 1986, Respondent entered a plea of Nolo Contendere to PUBLIC LEWDNESS (a misdemeanor offense committed on July 17, 1985), in the County Criminal Court No. 2 of Tarrant County, Texas, under Cause No. 260864. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of three (3) months. Additionally, Respondent was ordered to pay a fine and court costs.

7. In response to Finding of Fact Number Six (6), Respondent acknowledged that he was placed on deferred adjudication.

8. On or about December 23, 2002, Respondent was arrested by the El Paso Police Department, El Paso, Texas, for PUBLIC LEWDNESS (a Class A misdemeanor offense).

On or about March 19, 2003, Respondent entered a plea of Guilty and was convicted of the lesser included offense of DISORDERLY CONDUCT (a Class C misdemeanor offense committed on December 23, 2002), in the County Court at Law No. 1, El Paso County, Texas, under Cause No. 20020C19656. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

9. In response to Finding of Fact Number Eight (8), Respondent acknowledged this offense, but was under the impression that he was not convicted.

10. On or about January 8, 2004, Respondent submitted an Online Renewal Document for Registered Nurses to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information in that he answered "No" to the question:

"Since issuance or last renewal, have you pled guilty (including no contest plea), been found guilty or convicted of a felony or misdemeanor other than a minor traffic violation? (Note: DWI and DUI, including first offenses, are not considered minor traffic violations.)"

Respondent failed to disclose that on or about February 25, 1986, Respondent entered a plea of Nolo Contendere to PUBLIC LEWDNESS (a misdemeanor offense committed on July 17, 1985), in the County Criminal Court No. 2 of Tarrant County, Texas, under Cause No. 260864. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of three (3) months. Additionally, Respondent was ordered to pay a fine and court costs.

Respondent also failed to disclose that on or about March 19, 2003, Respondent entered a plea of Guilty and was convicted of DISORDERLY CONDUCT (a class C misdemeanor committed on December 23, 2002), in the County Court at Law No. 1, El Paso County, Texas, under Cause No. 20020C19656.

11. In response to Finding of Fact Number Ten (10), Respondent states that he falsified his renewal application erroneously because he was under the impression he was sentenced to deferred adjudication. Additionally, Respondent states that his intent was not to mislead the Board.

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)(2)&(10) (effective September 1, 2003), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(23) (effective September 1, 1999).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 584016, heretofore issued to FRANCISCO PIZANA JR., including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse

licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250) . RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check

or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

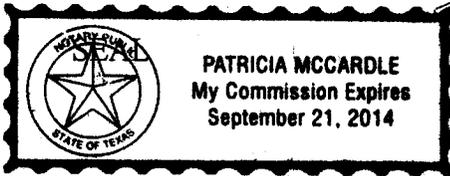
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations 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 when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1st day of Nov, 2010.

[Signature]
FRANCISCO PIZANA JR., Respondent

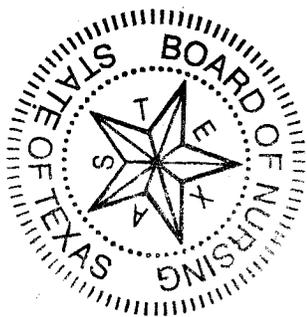
Sworn to and subscribed before me this 1st day of Nov, 2010.



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

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WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 1st day of November, 20 10, by FRANCISCO PIZANA JR., Registered Nurse License Number 584016, and said Order is final.



Effective this 11 day of January, 20 11

Katherine A. Thomas

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