BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 193051	§	
issued to GABRIEL LANCE MANZANALEZ	§	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 considered the matter of GABRIEL LANCE MANZANALEZ, Vocational Nurse License Number 193051, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on October 18, 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 vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Victoria College, Victoria, Texas, on August 8, 2003. Respondent was licensed to practice vocational nursing in the State of Texas on March 17, 2004.

5. Respondent's nursing employment history includes:

2004-2006	Charge Nurse South Brook Manor Edna, Texas

Respondent's nursing employment history continued:

2006-2007	Charge Nurse Halletsville Nursing & Rehabilitation Edna, Texas
2007-2008	Charge Nurse Wharton Nursing & Rehabilitation Edna, Texas
2008- May 2008	Staff Nurse Matagorda House Healthcare Bay City, Texas
June 2008- Present	Unknown

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Matagorda House Healthcare, Bay City, Texas, and had been in this position for approximately two (2) months.

7. On or about September 27, 2009, Respondent submitted a renewal application to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "no" to the following question:

   > Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
   >
   > "H. been arrested or have any pending criminal charges?"

   On or about July 5th , 2009, Respondent was arrested by the Edna Police Department for "Driving While Intoxicated," a class B Misdemeanor.

   On or about August 25, 2009, Respondent was convicted of (DRIVING WHILE INTOXICATED) by county court of Jackson County, Edna, Texas. Respondent's conduct was deceiving and may have affected the Board's decision to renew his license.

8. In response to Finding of Fact Number Seven (7), Respondent does not provide an explanation of event leading to his arrest.

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(6)(H).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 193051, heretofore issued to GABRIEL LANCE MANZANALEZ, 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, within one (1) year of entry of this Order successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following*

web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred ($250.00) dollars. 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 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 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 29 day of December, 2010.

GABRIEL LANCE MANZANALEZ, Respondent

Sworn to and subscribed before me this 29 day of DECEMBER, 2010.

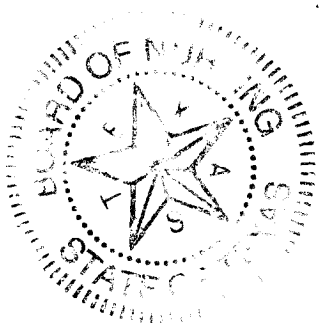
SEAL

Massimo Gerosa

Notary Public in and for the State of TEXAS

MASSIMO GEROSA
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 06/08/2014

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 29th day of December, 2010, by GABRIEL LANCE MANZANALEZ, Vocational Nurse License Number 193051, and said Order is final.



Effective this 29th day of December, 2010.

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