

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 672191 and Vocational Nurse		
License Number 117562	§	
issued to PHILLIP HERNANDEZ MORENO	§	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 Board, considered the matter of PHILLIP HERNANDEZ MORENO, Registered Nurse License Number 672191, 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 May 20, 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. Respondent holds a license in vocational nursing, which is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from the Army Practical Nurse Course, Fort Sam Houston, on December 18, 1986, and an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on May 1, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on May 20, 1987 and Respondent was licensed to practice professional nursing in the State of Texas on August 15, 2000.
5. Respondent's nursing employment history is unknown.

6. On or about December 18, 1993, Respondent was arrested by the Columbus Police Department, Columbus, Georgia for DRIVING UNDER THE INFLUENCE OF ALCOHOL (a misdemeanor offense).

On or about February 25, 1994, Respondent entered a plea of Guilty and was convicted of DRIVING UNDER THE INFLUENCE OF ALCOHOL (a misdemeanor offense committed on December 18, 1993), in Georgia, under Case No. 110437. As a result of the conviction, Respondent was placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine.

7. In response to Finding of Fact Number Six (6), Respondent acknowledges he was convicted of DWI on or about December 18, 1993, in the state of Georgia.
8. On or about June 20, 2000, Respondent submitted an Application for Initial Licensure by Examination to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information in that he attested "true" to the following statement:

"I have never been convicted of any crime other than a minor traffic violation."

Respondent failed to disclose that on or about February 25, 1994, Respondent entered a plea of Guilty and was convicted of DRIVING UNDER THE INFLUENCE OF ALCOHOL (a misdemeanor offense committed on December 18, 1993), in Georgia, under Case No. 110437.

9. In response to Finding of Fact Number Eight (8), Respondent states this offense occurred a long time ago and he forgot about it--or he would have mentioned it on his application for licensure.
10. On or about September 9, 2001, Respondent was arrested by the Texas Highway Patrol, Corpus Christi, Texas, for DRIVING WHILE INTOXICATED 2ND (a Class A misdemeanor offense).

On or about September 24, 2002, Respondent entered a plea of Guilty to DRIVING WHILE INTOXICATED 2ND (a Class A misdemeanor offense) changed to DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on September 9, 2001), in the County Court of Raymondville, Texas, under Cause No. 11554.

On or about September 24, 2002, Cause No. 11554 was dismissed in the County Court of Raymondville, Texas.

On or about September 24, 2002, Respondent entered a plea of Guilty and was convicted of the lesser offense of RECKLESS DRIVING (a misdemeanor offense committed on September 9, 2001), in the County Court of Raymondville, Texas, under Cause No. 11778. As a result of the conviction, Respondent was sentenced to confinement in the County Jail for a period of thirty (30) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of ninety (90) days. Additionally, Respondent was ordered to pay a fine and court costs.

11. In response to Finding of Fact Number Ten (10), Respondent states that he was driving home from a fishing trip and was pulled over by the Texas Highway Patrol. Respondent states he was not drinking nor did he have an open container in his vehicle. Therefore, he hired an attorney and the charges were dropped to what Respondent believed to be a speeding ticket. Additionally, Respondent says he never served time in jail.

12. On or about January 4, 2004, Respondent submitted a Texas Online Renewal Document to the Board of Nurse Examiners 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 plead guilty (including no contest plea), been found guilty or convicted of any felony or misdemeanor other than a minor traffic violation? (Note: DWI or DUI, including first offenses, are not considered minor traffic violations.)"

Respondent failed to disclose that on or about September 24, 2002, Respondent entered a plea of Guilty and was convicted of the lesser offense of RECKLESS DRIVING (a misdemeanor offense committed on September 9, 2001), in the County Court of Raymondville, Texas, under Cause No. 11778.

13. In response to Finding of Fact Number Twelve (12), Respondent states that he is a retired veteran of the U.S. Army, has been a nurse for over twenty-eight (28) years, and would like to keep his license as it is his livelihood.

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)(2)&(10) (effective September 1, 1999), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I).
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 672191, heretofore issued to PHILLIP HERNANDEZ MORENO, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction o 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 five hundred dollars (\$500). 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

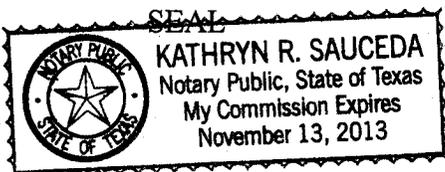
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 9 day of Nov, 2010.

[Signature]
PHILLIP HERNANDEZ MORENO, Respondent

Sworn to and subscribed before me this 9th day of November, 2010.

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



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 9th day of November, 20 10, by PHILLIP HERNANDEZ MORENO, Registered Nurse License Number 672191, and Vocational Nurse License Number 117562, and said Order is final.



Effective this 20th day of November, 20 10.


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