BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 558478	§	AGREED
and Vocational Nurse License Number 80223	§	
issued to CARLOS CHRISTMAS	§	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 Bc accepted the voluntary surrender of Registered Nurse License Number 558478, and Vocatic Nurse License Number 80223 issued to CARLOS CHRISTMAS, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, 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(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 to practice vocational nursing in the State of Texas, which is currently in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from Fitzsimmons Army Hospital, Denver, Colorado, on August 30, 1963, and an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on December 1, 1989. Respondent was licensed to practice vocational nursing in the State of Texas on April 11, 1979, and Respondent was licensed to practice professional nursing in the State of Texas on March 23, 1990.

5. Respondent's nursing employment history is unknown.

6. On or about April 8, 2008, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on July 23, 2007), in the County Court at Law No. 5 of Bexar, Texas, under Cause Number 223360. As a result of the conviction, Respondent was sentenced to confinement in the Bexar County Jail for a period of six (6) months; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.

7. On or about April 8, 2008, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on February 22, 2008), in the County Court at Law No. 5 of Bexar, Texas, under Cause Number 244761. As a result of the conviction, Respondent was sentenced to confinement in the Bexar County Jail for a period of four (4) days. Additionally, Respondent was ordered to pay a fine and court costs.

8. On or about January 22, 2009, Respondent submitted a Texas Online Renewal Document Registered Nurse to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

A. been convicted of a misdemeanor?
B. been convicted of a felony?
C. pled nolo contendere, no contest, or guilty?
D. received deferred adjudication?
E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
F. been sentenced to serve jail or prison time? court-ordered confinement?
G. been granted pre-trial diversion?
H. been arrested or have any pending criminal charges?
I. been cited or charged with any violation of the law?
J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"

Respondent failed to disclose the following:

On or about April 8, 2008, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on July 23, 2007), in the County Court at Law No. 5 of Bexar, Texas, under Cause Number 223360.

On or about April 8, 2008, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on February 22, 2008), in the County Court at Law No. 5 of Bexar, Texas, under Cause Number 244761.

9. In response to Finding of Fact Number Six (6) through Number Eight (8), Respondent states his Texas driver's license was suspended from March 2008 to April 2010. He has a DWI surcharge of approximately $5,000 that has to be paid monthly to The Department of Public Safety. He was on probation and reported to a probation officer for a period of one year. He performed community service with Good Will Organization for 48 hours from 4/11/08 to 5/13/08. The court ordered him to attend Alcoholics Anonymous meeting twice a week for a period of six months. He has been an active member of AA for over two years. He does not plan to practice nursing in the future. He was not aware that his DWI conviction had to be reported to the Texas Board of Nursing. It was an oversight and unintentional mistake on his part in filling out the document online.

10. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

11. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I)&(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 558478, and Vocational Nurse License Number 80223 heretofore issued to CARLOS CHRISTMAS, including revocation of Respondent's license(s) 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 License Number 558478, and Vocational Nurse License Number 80223, heretofore issued to CARLOS CHRISTMAS, 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: one (1) year has elapsed from the date of this Order and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

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.

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 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 8th day of February, 2011.

Carlos Christmas

CARLOS CHRISTMAS, Respondent

Sworn to and subscribed before me this 11th day of February, 2011

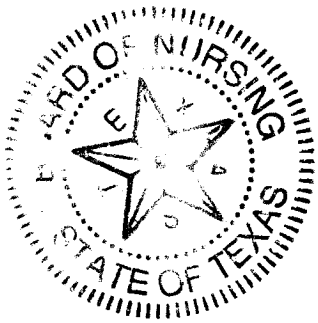
SEAL

Vivian Seyfarth

Notary Public in and for the State of TEXAS

VIVIAN SEYFARTH
Notary Public
STATE OF TEXAS
My Comm. Exp. 08-13-11

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 558478, and Vocational Nurse License Number 80223, previously issued to CARLOS CHRISTMAS.



Effective this 23rd day of February, 2011.

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