



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse                   §     AGREED  
License Number 605647                                 §     ORDER  
issued to DANIEL T. VALDEZ                         §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DANIEL T. VALDEZ, Registered Nurse License Number 605647, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Art. §4525(b)(9), TEX. REV. CIV. STAT., (effective Sept. 1995); §301.452(b)(10), TEX. OCC. CODE, (effective Sept. 1999); §301.452(b)(2)&(10), TEX. OCC. CODE, (effective to Feb. 2004); and §301.452(b)(10), TEX. OCC. CODE , (effective Nov. 2007). Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 14, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 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 an Associate Degree in Nursing from Angelo State University, San Angelo, Texas on May 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on June 28, 1994.
5. Respondent's nursing employment history includes:

06/1994 - 11/1994	RN Baptist Memorials Geriatric Center San Angelo, Texas
11/1994 - 05/1996	Staff and Charge RN Angelo Dialysis Center, Inc. San Angelo, Texas
05/1996 - 03/1997	RN Guardian Home Health San Angelo, Texas
03/1997 - 04/1998	RN Concepts of Care Abilene, Texas
04/1998 - 06/2000	RN Rivercrest Hospital San Angelo, Texas
06/2000 - 09/2002	Charge Nurse/CVICU Hendrick Medical Center Abilene, Texas
09/2002 - 02/2003	Clinical Manager Kindred Hospital Mansfield, Texas
02/2003 - 10/2003	RN Baylor All Saints Medical Center Ft. Worth, Texas
10/2003 - 12/2003	Staff Dialysis Nurse-PRN Abilene Area Dialysis Center Abilene, Texas
12/2003 - 09/2004	Hospital Case Manager Hendrick Medical Center Abilene, Texas
10/2004 - 05/2005	Unknown

Respondent's professional nursing employment history (continued):

06/2005 - 01/2006	Clinical Director, Medical/Surgical Unit Palo Pinto General Hospital Mineral Wells, Texas
03/2006 - 02/2007	Branch Director Girling Health Care Abilene, Texas
02/2007 - 10/2007	Director of Clinical Services Texas Home Health Abilene, Texas
10/2007 - 06/2008	Director Sears Methodist Home Health Abilene, Texas
06/2008 - 01/2009	RN Texas Nurse Connection Abilene, Texas
10/2008 - 01/2009	Process Excellence Leader Simple Health Systems, Inc. Abilene, Texas
02/2009 - Present	RN-Compliance Specialist Maxim Healthcare Abilene, Texas

6. On or about December 28, 1996, Respondent was arrested by the San Angelo Police Department, San Angelo, Texas, for DRIVING WHILE INTOXICATED (a Class B misdemeanor offense).

On or about February 4, 1998, Respondent was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on December 28, 1996), in the County Court of Tom Green County, Texas, under Cause No. 97-00174. As a result of the conviction, Respondent was sentenced to confinement in the Tom Green County Jail for a period of sixty (60) days; 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 August 1, 1999, Respondent was arrested by the San Angelo Police Department, San Angelo, Texas, for DRIVING WHILE LICENSE SUSPENDED and for DRIVING WHILE LICENSE INVALID (misdemeanor offenses).

On or about November 2, 1999, Respondent was placed on deferred adjudication probation for a period of three (3) months, in the County Court of Tom Green County, Texas, under Cause No. 98-00395L2, for DRIVING WHILE LICENSE SUSPENDED/INVALID (a misdemeanor offense committed on August 1, 1999). Additionally, Respondent was ordered to pay a fine and court costs.

8. On or about June 26, 2002, Respondent was arrested by the San Angelo Police Department, San Angelo, Texas, for CRIMINAL TRESPASS (a Class B misdemeanor offense).

On or about August 5, 2003, Respondent was convicted of CRIMINAL TRESPASS (a Class B misdemeanor offense committed on June 26, 2002), in the County Court of Tom Green County, Texas, under Cause No. 03-00383. As a result of the conviction, Respondent was sentenced to confinement in the Tom Green County Jail for a period of three (3) days. Additionally, Respondent was ordered to pay a fine and court costs.

9. On or about November 10, 2003, Respondent submitted a Texas Online Renewal Document for Registered Nurses and Registered Nurses with Advanced Practice Authorization to the Board of Nurse Examiners for the State of Texas, 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.)

- A. On or about August 5, 2003, Respondent was convicted of CRIMINAL TRESPASS in the County Court of Tom Green County, Texas.

10. On or about March 31, 2007, Respondent was arrested by the Texas Highway Patrol, Abilene, Texas, for DRIVING WHILE INTOXICATED 2ND (a Class A misdemeanor offense).

On or about September 26, 2007, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class A misdemeanor offense committed on March 31, 2007, reduced to a lesser Class B misdemeanor), in the County Court at Law 2 of Taylor County, Texas, under Cause No. 2-043479. As a result of the conviction, Respondent was sentenced to confinement in the Taylor County Jail for a period of one hundred eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of six (6) months. Additionally, Respondent was ordered to pay a fine and court costs.

11. In response to Findings of Fact Numbers Six (6), Seven (7), Eight (8), Nine (9), and Ten (10), Respondent states: He does not contest any of the allegations brought by the Texas Board of Nursing. In reference to the March 31, 2007, DWI arrest, he states he completed his six month probation period without incidence. He fulfilled the required DWI Offenders Course, three months of an ignition interlock breath alcohol device with not one 'lock-out'. Also, random urine screens for illicit drugs or alcohol were all negative.
12. The Board finds that there exists serious risks to public health and safety as a result of potential impaired nursing care due to intemperate use of alcohol.
13. Charges were filed on May 27, 2009 .
14. Charges were mailed to Respondent on June 1, 2009.

#### 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 Art. §4525(b)(9), TEX. REV. CIV. STAT., (effective Sept. 1995); §301.452(b)(10), TEX. OCC. CODE, (effective Sept. 1999); §301.452(b)(2)&(10), TEX. OCC. CODE, (effective to Feb. 2004); §301.452(b)(10), TEX. OCC. CODE, (effective Nov. 2007); 22 TEX. ADMIN. CODE §217.13(l), (effective Sept. 1995), 22 TEX. ADMIN. CODE §217.12(23), (effective Sept. 1999), and 22 TEX. ADMIN. CODE §217.12(13), (effective Sept. 2004).
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 605647, heretofore issued to DANIEL T. VALDEZ, 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 of a REPRIMAND WITH

STIPULATIONS, AND 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 Texas Board of Nursing 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 one thousand (\$1,000) dollars. RESPONDENT SHALL pay this fine within 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.

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) RESPONDENT SHALL NOT practice as a nurse who provides direct patient care for one (1) year from the effective date of this order.

(6) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(7) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the duration of the stipulation period, random screens shall be performed at least once every month for a total of 12 drug screens. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates

Cocaine

Phencyclidine

Ethanol

Propoxyphene

tramadol hydrochloride (Ultram)

A Board representative may appear at RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29 day of June, 2010.

Daniel T. Valdez  
DANIEL T. VALDEZ, Respondent

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

SEAL



THOMAS ZERELLA  
MY COMMISSION # DD 834396  
EXPIRES: October 27, 2012  
Bonded Thru Budget Notary Services

Thomas Zerella  
Notary Public in and for the State of FLORIDA

Approved as to form and substance.

Dan Lype  
DAN LYPE, Attorney for Respondent

Signed this 29 day of June, 2010.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 29th day of June, 2010, by DANIEL T. VALDEZ, Registered Nurse License Number 605647, and said Order is final.

Entered and effective this 17th day of August, 2010.



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