



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.
Patricia A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 139116 §
issued to ADRIAN BRIAN VILLARREAL § ORDER

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 139116, issued to ADRIAN BRIAN VILLARREAL, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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.
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 certificate in vocational nursing from Valley Baptist Medical Center, Harlingen, Texas on August 7, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on January 6, 1992.
5. Respondent's vocational nursing employment history includes:

12/92 - 9/00 Unknown

Respondent's vocational nursing employment history continued:

10/00 - 7/01	Staff LVN	Electra Healthcare Electra, Texas
7/01 - 5/02	Staff LVN	Grace Care Center Katy, Texas
5/02 - 5/02	Staff LVN	River Oakcare Center Electra, Texas
8/02 - 10/07	Staff LVN	Alameda Oaks Nursing Center Corpus Christi, Texas
10/07 - present	Not employed in Nursing	

6. Formal Charges were filed on January 20, 2010, which are as follows:

- On or about February 2003, March 2007 and September 14, 2007, while employed with Alameda Oaks Nursing Center, Corpus Christi, Texas, Respondent may have lacked fitness to safely practice nursing in that he had been diagnosed, treated and undergone numerous hospitalizations for treatment of mental illness. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
- On September 6, 2005, Respondent provided false and deceptive information on the Texas Board of Nursing Renewal Document in that he answered "no" to the following question:

"In the past 5 years, have you been diagnosed with or treated or hospitalized for schizophrenia or other psychotic disorder, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder?"

On or about February 2003, March 2007 and September 14, 2007, while employed with Alameda Oaks Nursing Center, Corpus Christi, Texas, Respondent may have lacked fitness to safely practice nursing in that he had been diagnosed, treated and undergone numerous hospitalizations for treatment of mental illness.

- On September 5, 2007, Respondent was Convicted by a Jury of EVADING ARREST OR DETENTION, USING VEHICLE, (a State Jail Felony offense committed on November 25, 2006) in the 319th District Court, Nueces County, Cause No. 06 CR 4139 G. Respondent was sentenced to two (2) years confinement in the Texas State

Jail, which was suspended and Respondent was placed on community supervision for four (4) years.

- On or about August 23, 2007, Respondent provided false and deceptive information on the application of renewal of his license to practice vocational nursing in the State of Texas in that he answered "no" to the following question:

"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or county, or received a court order whether or not a sentenced was imposed, including any pending criminal or unresolved arrests whether or not on appeal...?"

On April 27, 2007, Respondent was convicted of DRIVING WHILE INTOXICATED, a misdemeanor B offense committed on November 25, 2006 in the County Court at Law No. 4, Nueces County, Texas, Cause No. 2006-9869-4.

On September 5, 2007, Respondent was Convicted by a Jury of EVADING ARREST OR DETENTION, USING VEHICLE, (a State Jail Felony offense committed on November 25, 2006) in the 319th District Court, Nueces County, Cause No. 06 CR 4139 G. Respondent was sentenced to two (2) years confinement in the Texas State Jail, which was suspended and Respondent was placed on community supervision for four (4) years.

8. On June 18, 2010, Respondent submitted a statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's statement is attached and incorporated herein by reference as part of this Order.
9. 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.
10. 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 Sections 302.402(a)(10) & (12) & 301.452(b)(2)(3)(10) & (12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§ 239.11(8), 217.11(1)(A), 217.12(5), (6)(H), (6)(I) & (13).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§ 213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 139116, heretofore issued to ADRIAN BRIAN VILLARREAL, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of Licensed Vocational Nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

3. 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.

4. 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 vocational nursing in the State of Texas.

Effective this 18th day of June, 2010.



TEXAS BOARD OF NURSING

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

Adrian B. Villarreal
1431 Tompkins
Corpus Christi Tx, 78404
(361)687-4346

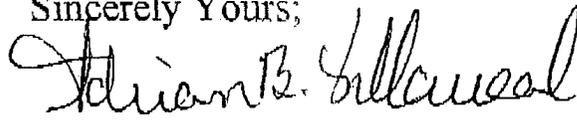
UC
6-7

OK per
RKH
6/18/10

To Your Honor of the ALJ
RE: Docket No 507-10-4464

I am inclosing a copy of the letter I sent to the Board of nurse examiners back in January of 2010. In this letter I expressed my desire to voluntarily surrender my nursing license No. 139116. Your Honor I have not worked as a LVN since 9/07. I am currently on social security disability and am unable to work at this time. I continue to be under a physicians' and psychiatrist care. I am unable to travel and would ask for the courts leniency in this matter. I have entered a plea of no contest to the allegations brought against me except charge number one. As my employment history with Alameda Oaks Nursing Center shows continued growth and promotions through four out of five administrations. The last administration was prejudice due to my transgender life style. Upon their request Dr. N. Padario MD\Psych submitted his certification of my fitness to return to work with out restrictions. Your honor, I am no longer in the work force and am not a threat to society, I can recognize my own limitations and have chosen not to continue in the nursing field. This process has been extremely long and harmful to my own personal well being. I simply can not handle the stress of travel and thought of the pressure of a legal proceeding. I am also unable to afford the proper legal representation that any other defendant would be entitled to. I thank you for your consideration in this matter and I hope this will finally come to a close.

Sincerely Yours;



Adrian B. Villarreal

c;
Katherine A. Thomas MN, RN, Exe Dir.
ALJ Judge

2010 JUN 14 PM 1:38

RECEIVED
STATE OFFICE OF
ADMIN. HEARINGS

Adrian B. Villarreal
1431 Tompkins
Corpus Christi, Tx 78404
January 30, 2010

RECEIVED
STATE OFFICE OF
ADMIN. HEARINGS

2010 JUN 14 PM 1:39

To: Cynthia A. Smith

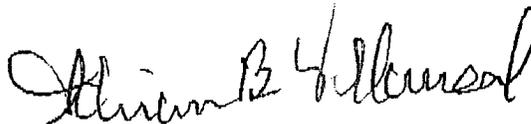
Re: Voluntary surrender of LVN LIC #139116

In the matter of charge I, I plead not guilty. While it is true that I was hospitalized several times as your records show once in February, and twice in 2007. While I was employed at Alameda Oaks Nursing Center(AONC) my fitness and ability to practice was not impaired. While my work history with AONC should show that I was hired on or about August 2001 as a staff nurse and received several awards as employee of the month and worked my way up to night shift nursing supervisor, which was my last position that I held at AONC. I had the respect and confidence of my fellow nurses that I worked with, as well as the doctors that in trusted their patients care to me. When I would call them concerning their patients they trusted my judgments and often agreed to my nursing plan of care i.e. labs, referrals, or possible medication interactions. I was born to be a nurse, I loved my job and my patients and their families loved me because of the compassion I would give them. I was not a nurse just for the money, I enjoy helping and taking care of people. I also was under the care of Dr. N. Paderio my psychiatrist who also gave written notification to AONC upon their request of my fitness and ability to return to work. If I were not fit to practice would he not have a moral and legal responsibility not to allow me to return to work, especially when I cared for some of his own patients in the nursing home? Also why would AONC continue to promote me and compensate me financially if I were not doing my job at top performance. The only reason that Alicia Neito brought this charge against me is that she had a prejudice against me being Transgender. I worked under four other administrators whom none had a problem with my nursing performance or my ability to manage and supervise other staff members.

As far as charges 2-4 I plead no contest. I just would like to state for the record that I have been an active member of AA and sober for over 2 years. Although I have not worked as a nurse since September of 07, I continue to be a vital and productive member of society through my volunteer work with my church's food pantry and through helping the newcomer in AA get sober and stay sober. I am a decent caring person who someday would like to return to my first passion of life which is nursing.

If you have any other questions or concerns you may contact me at the address noted above or you may call me at 361-687-4346. I would like to be notified of the disposition of this case at your earliest convince.

To Thy Own Self Be True;

A handwritten signature in black ink, appearing to read "Adrian B. Villarreal". The signature is written in a cursive style with a large initial 'A'.

Adrian B. Villarreal

Cc

Katherine A. Thomas MN,RN, Exe Director

ALJ presiding in case Hearing to docket No.507-10-4464