



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

In the Matter of Vocational Nurse §
License Number 182036 § AGREED
issued to CESAR RICARDO GONZALEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CESAR RICARDO GONZALEZ, Vocational Nurse License Number 182036, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 20, 2008, 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.
2. Respondent waived representation by counsel, informal conference, 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 Texas State Tech College, Sweetwater, Texas, on August 17, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on October 11, 2001.
5. Respondent's nursing employment history is unknown.
6. On or about August 3, 2007, Respondent submitted a renewal application to the Texas Board of Nursing in which he answered "Yes" to the following question: "Have you ever been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to

any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes".)"

7. Respondent disclosed the following criminal history to wit:
 - A. On or about February 20, 2007, Respondent was convicted of the offense of DRIVING WHILE INTOXICATED, a Class B misdemeanor, in the County Court at Law No. 2, El Paso County, Texas, Cause #20070C00392. Respondent was sentenced to one hundred eighty (180) days confinement with the imposition of sentence suspended, and placed on twenty (20) months probation, ordered to pay restitution in the amount of \$75, and a fine and court costs. Respondent was also required to participate in, and satisfactorily complete, a DWI Education course which had to be completed within ninety (90) days, and in Family Violence Counseling which had to be started within sixty (60) days.
 - B. On or about February 20, 2007, Respondent was convicted of the offense of ASSAULT CAUSES BODILY INJURY TO A FAMILY MEMBER, a Class A misdemeanor, in the County Court at Law No. 2, El Paso County, Texas, Cause #20070C01415. Respondent was sentenced to one (1) year confinement with the imposition of sentence suspended, placed on twenty (20) months probation, and ordered to pay a fine and court costs. Respondent was also required to participate in, and satisfactorily complete, a DWI Education course which had to be completed within ninety (90) days, and in Family Violence Counseling which had to be started within sixty (60) days.
8. On or about January 17, 2008, a computerized criminal history was run which disclosed the following offenses:
 - A. On or about February 15, 1985, Respondent was charged with the offense of BURGLARY OF BUSINESS in El Paso County, Texas. Proceedings were deferred without adjudication and Respondent was placed on five (5) years probation.
 - B. On or about September 8, 2004, Respondent was charged with the offense of ASSAULT CAUSES BODILY INJURY, a Class A misdemeanor, in the County Criminal Court #2, El Paso County, Texas, Cause #20040C02754. Respondent was sentenced to three hundred (300) days confinement with the imposition of sentence suspended, and placed on eleven (11) months probation, and ordered to pay a fine and court costs. Respondent was discharged from Community Supervision on

August 18, 2005. Respondent disclosed this information on his 2005 renewal.

- C. On or about February 25, 2008, Respondent entered a plea of Guilty to ASSAULT CAUSES BODILY INJURY, (a Class A misdemeanor offense committed on March 6, 2006), in the County Court No. 2, El Paso County, Texas, Cause No. 20060C05804. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of one (1) year probation. Additionally, Respondent was ordered to pay a fine and court costs.
9. On or about August 3, 2007, Respondent submitted a renewal application to the Texas Board of Nursing in which he answered "Yes" to the following question: "In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug?"
 10. On or about July 30, 2007, Respondent submitted a written statement related to Finding of Fact number Nine (9), in which he stated, in reference to his conviction and probation for DWI, "I was placed on probation for 20 (twenty) months. My probation conditions include, in part, alcohol treatment at Aliviane for six (6) months as an outpatient, that I must attend twice weekly, and AA meetings twice a week for the duration of probation."
 11. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
 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.
 13. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5)&(13).
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 182036,

heretofore issued to CESAR RICARDO GONZALEZ, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to CESAR RICARDO GONZALEZ, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of THREE HUNDRED FIFTY DOLLARS (\$350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

(5) IT IS FURTHER AGREED, SHOULD RESPONDENT'S probation be amended or revoked for the offenses as outlined in Findings of Fact Numbers Seven and Eight, said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

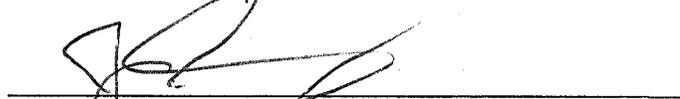
Signed this 18 day of April, 2008.



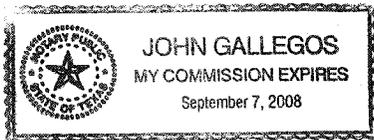
CESAR RICARDO GONZALEZ, Respondent

Sworn to and subscribed before me this 18 day of April, 2008.

SEAL



Notary Public in and for the State of TX



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 18th day of April, 2008, by CESAR RICARDO GONZALEZ, Vocational Nurse License Number 182036, and said Order is final.

Entered and effective this 22nd day of April, 2008.


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