



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 Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse § REINSTATEMENT
License Number 141425 § AGREED ORDER
issued to PAMELA JEAN CORTEZ §

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of vocational nursing license number 141425, held by PAMELA JEAN CORTEZ, hereinafter referred to as Petitioner.

An informal conference was held on April 25, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Carolyn Hudson, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from St. Philips College, San Antonio, Texas, on March 8, 1993. Petitioner was originally licensed to practice vocational nursing in the State of Texas on May 25, 1993.

4. Petitioner's vocational nursing employment history includes:

04/93 - 10/96	GVN/LVN	Southwest Care Center San Antonio, Texas
11/96 - 11/99	LVN Field Nurse	Salud Home Care San Antonio, Texas
12/99 to present	Not employed in nursing	

5. On or about December 3, 2001, Petitioner's license to practice Vocational Nursing in the State of Texas was Suspended by the Board of Vocational Nurse Examiners for the State of Texas. The suspension was stayed, and Petitioner was placed on probation for eighteen (18) months. A copy of the December 3, 2001, Agreed Order and Complaint is attached and incorporated, by reference, as part of this Order.
6. On September 10, 2002, Petitioner's license to practice vocational nursing in the State of Texas was revoked by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the September 10, 2002, Order and Complaint, is attached and incorporated, by reference, as a part of this Order.
7. On or about February 3, 2006, Petitioner submitted a Petition for Reinstatement of her License to practice vocational nursing in the State of Texas.
8. On May 1, 2006, Petitioner presented to Edgar G. Allen, LVN-LCDC-FBCC, Circle Of Recovery, San Antonio, Texas, to undergo a chemical dependency evaluation. The evaluator states that Petitioner has a very low probability of having any type of substance abuse problem. There is no risk of Petitioner not remaining on task with her goals.
9. Petitioner presented the following in support of her petition:
- 9.1. Progress Report written by Edgar G. Allen, LVN-LCDC, Circle of Recovery, San Antonio, Texas. Mr. Allen states that Petitioner is willing to do what is necessary to turn her life around and live a more productive and positive lifestyle. Petitioner has a long term plan of action to remain on track, and has agreed to continue to use his services as a support system.
- 9.2. Letter of support, dated December 8, 2005, written by Susan R. Arciniega, LCSW, LMFT-LMSW, CPS, San Antonio, Texas. Ms. Arciniega states that she has known Petitioner for approximately one (1) year. Petitioner is conscientious regarding her profession, her clients, and their overall health concerns. Petitioner is honest, dependable, and focused, and she would be an asset to the nursing field. Ms. Arciniega recommends reinstatement of Petitioner's nursing license.

- 9.3. Letter of support, dated, November 18, 2005, written by Georgann E. Owens, LMSW-LCSW, San Antonio, Texas. Ms. Owens states that she has worked with Petitioner in a professional setting for over one (1) year, and Petitioner displays a strong work ethic in providing patient care. She performs her duties in a professional manner with astute documentation and communication with care providers. Ms. Owens recommends reinstatement of Petitioner's nursing license.
- 9.4. Letter of support, dated December 5, 2005, written by Ana Y. Perez, M.D., Internal Medicine, San Antonio, Texas. Dr. Perez states that Petitioner works as an R.M.T. and directs the Physical Therapy Department. Petitioner is very dependable and demonstrates a superior ability to anticipate what is required for the clinic to run smoothly. Petitioner is professional and proficient in her work as an R.M.T. She is able to assist patients with concerns or questions regarding their health or medications. Dr. Perez states that Petitioner's experience as an LVN combined with her knowledge as an R.M.T. has made her an asset to the practice. Dr. Perez recommends reinstatement of Petitioner's nursing license.
- 9.5. Letter of support, written by Yolanda Hohmann, Chaplain & Care Minister, San Antonio, Texas. Chaplain Hohmann states that she met Petitioner while under the care of Ana Perez, M.D. Petitioner is very dependable, professional, and proficient in her work as an R.M.T. Chaplain Hohmann states that she has had many medical problems, and Petitioner relates well to her concerns because of her LVN background. She is highly motivated, conscientious, and caring. Chaplain Hohmann recommends reinstatement of Petitioner's nursing license.
- 9.6. Letter of support, written by Beverly Devine, RN, BSN. Ms. Devine states that she has known Petitioner since 1996. Ms. Devine states that she has worked with Petitioner in the nursing home setting and home health setting. Petitioner has shown her capabilities of performing the duties of an LVN, and she has compassion for the clients.
- 9.7. Letter of support, dated April 1, 2005, written by Elizabeth A. Perez, RN, The Forum at Lincoln Heights, San Antonio, Texas. Ms. Perez states that she has known Petitioner for two (2) years. Petitioner worked as a private caregiver for one of the residents, and she was a conscientious and compassionate caregiver. She is knowledgeable and demonstrates a true caring for her patients.
- 9.8. Letter of support, written by Matthew Montoya, states that he has known Petitioner for two (2) years, and she has displayed a high level of integrity and perseverance. She is an advocate for her patients and handles difficult situations with confidence and grace. Mr. Montoya recommends reinstatement of Petitioner's nursing license.

- 9.9. Letter of support, dated April 6, 2005, written by Margy Heep, states that Petitioner was the caregiver for her aunt in the assisted living wing of the Forum at Lincoln Heights. Her duties included assisting her with daily living skills such as dressing, walking, exercising, and general hygiene. Ms. Heep states that Petitioner was cordial and had constructive suggestions concerning the care of her aunt.
- 9.10. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.
10. Petitioner gives December 1999, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of PAMELA JEAN CORTEZ, license number 141425, to practice vocational nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies 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 §211.01 *et. seq.* and the stipulations contained in this Order:

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees, if applicable, and is issued licenses to practice nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to PAMELA JEAN CORTEZ, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include vocational nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER 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 PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing ethics. PETITIONER 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A VOCATIONAL NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) PETITIONER SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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.

(5) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(6) For the first year of employment as a vocational nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse or a Licensed Vocational Nurse. Direct supervision requires another professional or vocational nurse to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) PETITIONER SHALL NOT practice as a vocational nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a vocational nurse.

(9) PETITIONER SHALL NOT practice as a vocational nurse in any critical care area for one (1) year of employment as a vocational nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(10) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a vocational nurse.

(11) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to Petitioner's capability to practice vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a vocational nurse.

(12) PETITIONER 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, PETITIONER 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 PETITIONER 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.

(13) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

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 the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER 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. PETITIONER 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 will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(14) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. 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.

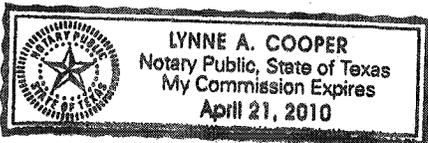
Signed this 10 day of July, 2006.

Pamela J. Cortez
PAMELA JEAN CORTEZ, Petitioner

Sworn to and subscribed before me this 10 day of July, 2006.

SEAL

Lynne A. Cooper
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 10th day of July, 2006, by PAMELA JEAN CORTEZ, Vocational Nurse license number 141425, and said Order is final.

Effective this 8th day of August, 2006.



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

BOARD OF VOCATIONAL
NURSE EXAMINERS

VS

PAMELA JEAN CORTEZ

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STATE OF TEXAS

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 141425, held by PAMELA JEAN CORTEZ hereinafter called Respondent.

A sworn Complaint has been filed and served on the Respondent, which alleges violations of the Texas Occupations Code, Chapter 302, and grounds to take disciplinary action against Respondent.

An informal conference was held on October 1, 2001, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Betty E. Sims, RN, MSN, Hearing Officer, assisted by Ms. Janette Bowers, member of the Board of Vocational Nurse Examiners. Respondent was present and was represented by counsel.

The conference was attended by Lynda G. Pringle, Investigator for the Board, and Joseph Pitner, Assistant Attorney General. By their notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is ratified by the Board.

AGREED BOARD ORDER
RE: PAMELA JEAN CORTEZ, LVN #141425
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After reviewing the Complaint and information provided at the informal conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, that license number 141425, heretofore issued to PAMELA JEAN CORTEZ to practice vocational nursing in the State of Texas be, and the same is hereby Suspended, with said suspension stayed and placed on probation for a period of eighteen (18) months.

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.
3. That Respondent shall not practice nursing in a Nurse Licensure Compact remote state without obtaining prior written authority of both the BVNE and the Board of Nursing of the remote state.

AGREED BOARD ORDER
RE: PAMELA JEAN CORTEZ, LVN #141425
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4. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.

5. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her immediate nursing supervisor (s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

6. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. five.

7. That if Respondent is employed as a private duty, temporary agency, or home health nurse, Respondent shall cause his/her nurse supervisor(s) to conduct and document weekly supervisory reviews and/or supervised visits of all medical records of patients assigned to Respondent. While so employed, Respondent shall be responsible for causing his/her nurse supervisor(s) to submit said required documentation in the form of satisfactory reports directly to the Board office, as provided in Stipulation No. five.

8. That Respondent shall attend Narcotics Anonymous (N.A.), and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

9. That Respondent shall and hereby agrees to abstain from the consumption of Alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or use of unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Respondent's history, and it is incumbent upon Respondent to ensure such physician knowledge. If prescribed medication, RESPONDENT SHALL CAUSE the attending physician to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the Board office by the prescribing physician, within ten (10) days of the date of the prescription.

10. That Respondent shall through the Board's agent (DISA), submit to random blood alcohol and urine drug screens.

11. That Respondent shall be responsible daily for telephoning DISA's Voice Response (DVR) at 1-800-580-1099. That said drug screen shall be administered through the policies and procedures of the Drug Intervention Services of America, Inc. (DISA), utilizing LabCorp facilities. That said drug-screening panel shall consist of the following:

AGREED BOARD ORDER
RE: PAMELA JEAN CORTEZ, LVN #141425
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Alcohol (Ethanol)	Cannabinoids	Methaqualone
Amphetamines	Cocaine	Opiates
Barbiturates	Meperidine	Phencyclidine
Benzodiazepines	Methadone	Propoxyphene

Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Respondent. Any report of failure to contact DISA and/or a positive drug screen for which the Respondent does not have a valid prescription, will be regarded as non-compliance with the terms of this order and may subject the Respondent to further disciplinary action by the Board.

12. That Respondent pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

13. That Respondent shall return their license to the Board office for a replacement license marked "**PROBATION**" and pay a license re-issue fee in the amount of twenty (\$20.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said return of license and fee shall be made not later than thirty (30) days following the date of the Board's endorsement of the Agreed Board Order. Said license and fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to return said license or pay said fee shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

AGREED BOARD ORDER
RE: PAMELA JEAN CORTEZ, LVN #141425
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Dated this the 1st day of October, 2001.

APPROVED:

Pamela J Cortez
Signature of Respondent

John F. Legris
JOHN F. LEGRIS
Attorney for Respondent

7307 Triple Elm W
Current Address

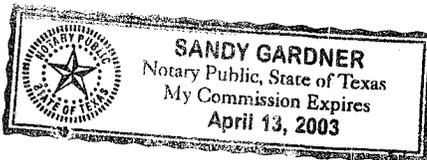
San Antonio TX 78249
City, State and Zip

210 / 804-0810
Area Code and Telephone Number

The State of Texas
County of TRAVIS

Before me, the undersigned authority, on this day personally appeared PAMELA JEAN CORTEZ who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 1st day of October, 2001.



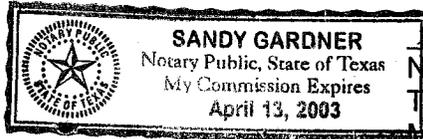
Sandy Gardner
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 4/13/03

AGREED BOARD ORDER
RE: PAMELA JEAN CORTEZ, LVN #141425
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Betty E. Sims

Betty E. Sims, RN, MSN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 1st
day of October, 2001.



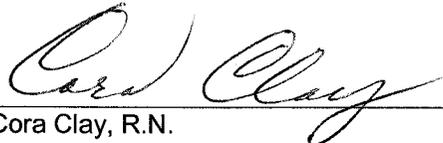
Sandy Gardner

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 4/13/03

BOARD ORDER
RE: PAMELA JEAN CORTEZ, LVN #141425
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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 1st day of October, 2001 by Respondent, license number 141425 and that Said Order is Final.

Effective this 3rd day of December, 2001

A handwritten signature in cursive script, appearing to read "Cora Clay", written over a horizontal line.

Cora Clay, R.N.
Interim Executive Director
On Behalf of Said Board

BOARD ORDER

RE: PAMELA JEAN CORTEZ, LVN #141425

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of December, 2001, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

PAMELA JEAN CORTEZ
7307 TRIPLE ELM NORTH
SAN ANTONIO, TX 78269

JOHN LEGRIS
ATTORNEY AT LAW
411 SOUTH PRESA
SAN ANTONIO, TX 78711-3025



Cora Clay, R.N.
Interim Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE
EXAMINERS

VS.

PAMELA JEAN CORTEZ

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STATE OF TEXAS

COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Lynda G. Pringle, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Lynda G. Pringle, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against PAMELA JEAN CORTEZ, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 141425, hereinafter called Respondent.

I.

a. By letter dated December 21, 1999, the Board of Vocational Nurse Examiners received a written referral from the Texas Peer Assistance Program for Nurses (TPAPN) alleging that Respondent had declined participation with their program.

II.

a. On or about October 7, 1999, Respondent submitted her application for employment as a Licensed Vocational Nurse at Retama Manor West in San Antonio, Texas.

b. On or about October 7, 1999, as part of the pre-employment screening process, Respondent was requested to submit to a drug screen. On or about October 12, 1999, said facility was notified that said drug screen revealed a positive reading for COCAINE. Subsequently, Respondent was not employed at said facility.

COMPLAINT
RE: PAMELA JEAN CORTEZ, LVN #141425
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III.

The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (10) and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:

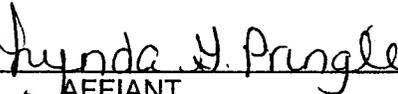
- (10) practicing as a vocational nurse holding a license or temporary permit or a graduate making application for licensure, and or applying for employment or by virtue of being an LVN in an Educational program while the individual's ability to practice is impaired by alcohol, drug, physical or mental disability and or testing positive for alcohol, illicit drugs, or other substances not prescribed;
- (27) failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained;
- (28) violating state or federal laws relative to drugs, including controlled substances and dangerous drugs.

IV.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations Code, Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

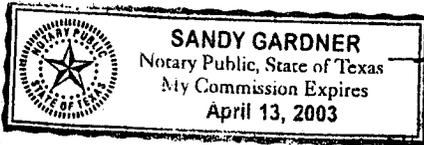
COMPLAINT
RE: PAMELA JEAN CORTEZ, LVN #141425
PAGE: 3

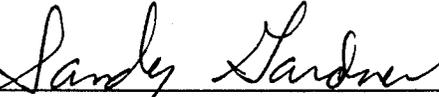
WHEREFORE, PREMISES CONSIDERED, I, Lynda G. Pringle, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against PAMELA JEAN CORTEZ, LVN #141425, in accordance with the provisions of the laws of the State of Texas.



AFFIANT

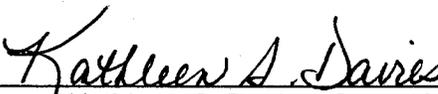
SUBSCRIBED AND SWORN TO BEFORE ME by the said Lynda G. Pringle, on this the 7th day of June, 2001.





NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 7th day of June, 2001.



Kathleen S. Davies, Supervisor
Enforcement Division
Board of Vocational Nurse Examiners

**IN THE MATTER OF PERMANENT
OF
LICENSE NUMBER #141425
ISSUED TO
PAMELA JEAN CORTEZ**

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**BEFORE THE BOARD
VOCATIONAL NURSE EXAMINERS
IN AND FOR THE
STATE OF TEXAS**

DEFAULT ORDER

TO: PAMELA JEAN CORTEZ
P.O. BOX 380345
SAN ANTONIO, TEXAS 78263

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as "the Board", the matter of vocational nurse license number 141425 held by PAMELA JEAN CORTEZ hereinafter called "Respondent".

A sworn Complaint has been filed in accordance with the TEX. OCC. CODE ANN. § 302.403 & § 302.404 and served on the Respondent, pursuant to TEX. GOV'T CODE ANN. Chapter 2001 (Vernon 2000), 22 TEX. ADMIN. CODE (TAC) § 239.23 (1999); which alleges violations of the Texas Occupations Code, Chapter 302, and grounds to take disciplinary action against Respondent.

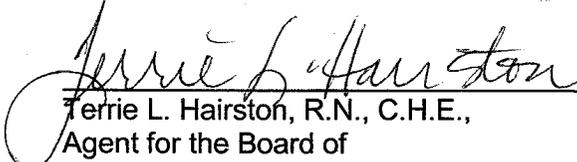
During open meeting on September 10, 2002, at Austin, Texas, the Board finds that, after proper and timely notice was given in the above-styled case, Respondent has failed to file an "Answer to Appear".

The Board, after review and due consideration of Respondent's failure to enter an appearance, in accordance with 22 TEX. ADMIN. CODE (TAC) § 239.46 (2000), ratifies and adopts the Default Order.

DEFAULT ORDER – REVOKED
RE: PAMELA JEAN CORTEZ, LVN #141425
PAGE 2

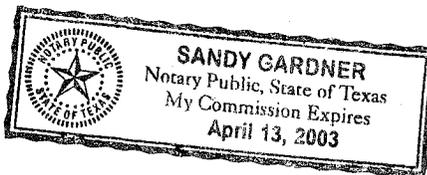
NOW, THEREFORE, IT IS ORDERED that License Number #141425 heretofore issued to PAMELA JEAN CORTEZ to practice vocational nursing in the State of Texas be, and the same is hereby, **REVOKED**.

Appeals from a final decision or Order of the Board must be made pursuant to the requirements of the Administrative Procedure Act, TEX. GOV'T CODE, ANN., Chapter 2001, § 2001.146, as amended. A motion for rehearing must be filed the Board within 20 days from the date of this notice, as a jurisdictional prerequisite to an Appeal.



Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 10th day of September, 2002.



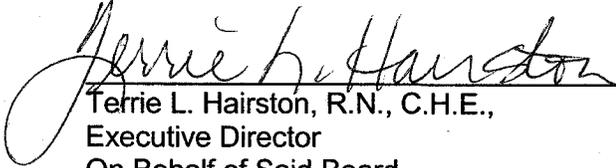


NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 4/13/03

DEFAULT ORDER – REVOKED
RE: PAMELA JEAN CORTEZ, LVN #141425
PAGE 3

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Default Order, on the 10th day of September, 2002, that Said Order is Final in the matter of PAMELA JEAN CORTEZ, LVN #141425.

Effective this 10th day of September, 2002.

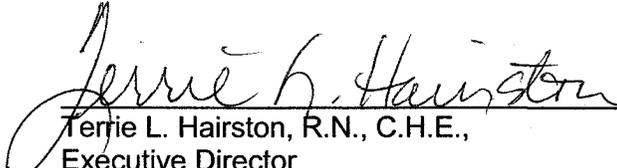

Terrie L. Hairston, R.N., C.H.E.,
Executive Director
On Behalf of Said Board

DEFAULT ORDER – REVOKED
RE: PAMELA JEAN CORTEZ, LVN #141425
PAGE 4

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of September, 2002, a true and correct copy of the foregoing **DEFAULT ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

PAMELA JEAN CORTEZ
P.O. BOX 380345
SAN ANTONIO, TEXAS 78263



Terrie L. Hairston, R.N., C.H.E.,
Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE
EXAMINERS

STATE OF TEXAS

VS.

PAMELA CORTEZ

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COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Carolyn Hudson, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Carolyn Hudson, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against PAMELA CORTEZ, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 141425, hereinafter called Respondent.

I.

- a. On December 3, 2001, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which Respondent's license to practice Vocational Nursing in the State of Texas was suspended, with said suspension stayed and placed on probation for a period of eighteen (18) months.
- b. Said Order stipulated, in part, that Respondent shall cause her nursing supervisor(s) to submit satisfactory, required reports directly to the Board office on a monthly basis for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing her nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis.
- c. Said Order also stipulated, in part, that any period of nursing unemployment must be documented in writing by Respondent and submitted to the Board office.
- d. Said Order further stipulated, in part, that Respondent shall attend Narcotics Anonymous and shall be responsible for causing her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis throughout the term of probation.

COMPLAINT

RE: PAMELA CORTEZ, LVN #141425

PAGE 2

e. Said Order also stipulated, in part, that Respondent shall submit to random blood alcohol and urine drug screens through the Board's agent Drug Intervention Services of America (DISA).

f. Said Order further stipulated, in part, that Respondent shall be responsible daily for telephoning DISA's Voice Response (DVR) at 1-800-580-1099, and that said drug screen shall be administered through the policies and procedures of DISA, utilizing LabCorp facilities.

g. Also, said Order stipulated, in part, that Respondent shall pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars on a quarterly basis, due on the 15th of each quarter. Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

h. Respondent has failed to cause her nursing supervisor(s) to submit satisfactory, required, monthly reports to the Board office on or before the due dates of January 3, 2002, February 3, 2002, and March 3, 2002.

i. Respondent has failed to cause her NA program sponsor to submit a satisfactory, required, quarterly report to the Board office on or before the due date of March 3, 2002.

j. Respondent has failed to daily telephone DISA's Voice Response (DVR) at 1-800-580-1099 from January 2002 through April 2002.

k. Respondent has failed to submit the thirty (\$30.00) dollar probation monitoring fee to the Board office on or before the due date of March 15, 2002.

l. By said conduct Respondent has violated the terms of her probation.

II.

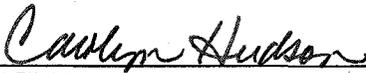
Respondent has violated the Texas Occupations Code, a rule or order issued under this code, contrary to the Texas Occupations Code, Chapter 302, Section 302.402 (a) (1).

COMPLAINT
RE: PAMELA CORTEZ, LVN #141425
PAGE 3

III.

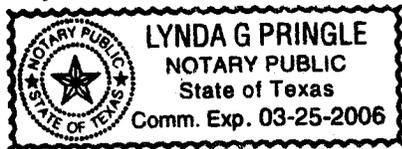
The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations Code Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

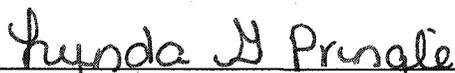
WHEREFORE, PREMISES CONSIDERED, I, Carolyn Hudson, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against PAMELA CORTEZ, LVN # 141425, in accordance with the provisions of the laws of the State of Texas.



AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Carolyn Hudson, on this the 6th day of June 2002.





NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 6th day of June 2002.



Kirby W. Hattox, Supervisor
Enforcement Division
Board of Vocational Nurse Examiners