BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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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

In the Matter of Registered Nurse License Number 568677	§	AGREED
issued to RAYMOND TORRES, JR.	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referr to as the Board, considered the matter of RAYMOND TORRES, JR., Registered Nurse Licen Number 568677, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended, and 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 June 7, 2006, 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 professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from San Jacinto College, Pasadena, Texas, on August 1, 1990. Respondent originally became licensed to practice professional nursing in the State of Texas on March 18, 1991.

5. Respondent's professional nursing employment history includes:

March 1991 - 1992	Unknown

Respondent's professional nursing employment history continued:

1992 - 1995	RN Devereux Hospital League City, Texas
November 1995 - March 2001	RN Tenet Health Care System Bellaire, Texas
March 2001 - October 31, 2003	RN West Oaks Hospital Houston, Texas
November 2003 - February 2004	Unknown
March 22, 2004 - May 2006	RN Texas Children's Hospital Houston, Texas

6. On or about April 17, 1984, Respondent plead guilty to the offense "Illegal Use of a Credit Card," a Felony, in the 208th Judicial District Court of Harris County, Houston, Texas, Cause Number 399863. An adjudication of guilt was deferred, and Respondent was placed on probation for a period of four (4) years. Respondent was ordered to pay a fine and court costs in the total amount of five hundred forty-six dollars ($546.00).

7. On or about August 6, 1999, Respondent plead guilty to the offense "Possession of a Controlled Substance PG 1 < 1G," a State Jail Felony, in the 339th Judicial District Court of Harris County, Houston, Texas, Cause Number 804809. An adjudication of guilt was deferred, and Respondent was placed on probation for a period of three (3) years. Respondent was ordered to pay a fine and court costs in the total amount of eight hundred eighty-six dollars ($886.00).

8. On or about August 9, 1999, Respondent plead guilty and was convicted of the offense "Driving While Intoxicated," a Class B Misdemeanor, in the Harris County Criminal Court at Law #1, Houston, Texas, Cause Number 9905776. Respondent was sentenced to confinement for a period of one hundred eighty (180) days in Harris County Jail. The imposition of the sentence was suspended, and Respondent was placed on probation for a period of one (1) year. Respondent was assessed court costs in the amount of two hundred fourteen dollars ($214.00).

9. On or about May 21, 2004, Respondent plead nolo contendere and was convicted of the offense "Driving While Intoxicated 2nd," a Class A Misdemeanor, in the Harris County Criminal Court at Law #2, Houston, Texas, Cause Number 1224574. Respondent was sentenced to confinement for a period of one year. The imposition of the sentence was suspended, and Respondent was placed on probation for a period of two (2) years. Respondent was ordered to a pay a fine and court costs in the total amount of six hundred forty-one dollars ($641.00).

10. On or about January 18, 2005, Respondent plead guilty and was convicted of the offense "Resist Arrest Search or Transport," a Class A Misdemeanor, in the Harris County Criminal Court at Law #2, Cause Number 1263782. Respondent was sentenced to confinement in Harris County Jail for a period of ten (10) days and assessed court costs in the amount of two hundred eleven dollars ($211.00).

11. On or about May 8, 2006, while employed with Texas Children's Hospital, Houston, Texas, Respondent engaged in the intemperate use of Cocaine in that he submitted a specimen for a drug screen which resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN.

13. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

14. 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.

15. On or about April 11, 2006, Respondent entered into a drug treatment program at Prevention and Recovery Center, Houston, Texas.

16. Respondent's conduct described in Findings of Fact Numbers Seven (7), Eight (8), Nine (9), Ten (10) and Eleven (11) resulted from Respondent's dependency on chemicals.

17. 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 Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1).

4. The evidence received is sufficient to prove violations of Section 301.452(b)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1), and 22 TEX. ADMIN. CODE §217.12(10)(D) & (13)(amended on September 28, 2004).

5. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 568677, heretofore issued to RAYMOND TORRES, JR., including revocation of Respondent's professional license to practice nursing in the State of Texas.

6. 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

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 professional 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 State of Texas 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 professional 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. 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 Board of Nurse Examiners, 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 7 day of July, 2006.

RAYMOND TORRES, JR., Respondent

Sworn to and subscribed before me this 7 day of July, 2006.

SEAL

STEPHANIE HILL
Notary Public, State of Texas
My Commission Expires:
04/04/2009

Notary Public in and for the State of TX

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 7th day of July, 20 06, by RAYMOND TORRES JR., Registered Nurse License Number 568677, and said Order is final.

Entered and effective this 28th day of July, 20 06.

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