

Certified True Copy

By J. Fowler
Virginia Board of Nursing



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DEC 12 2016

COMMONWEALTH of VIRGINIA
VA BD OF NURSING

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

December 12, 2016

Edwin Rodriguez, L.P.N.
8304 San Jose St
Arlington, TX 76002

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 12/12/16

RE: License Number: 0002-077550
Case Number: 177274

Dear Mr. Rodriguez:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your license to practice practical nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered December 9, 2016. You are hereby advised that you may not practice practical nursing or hold yourself out as a licensed practical nurse unless and until the Board of Nursing has notified you in writing that your license has been reinstated. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

You may apply to the Board for reinstatement of your license, and you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. The reinstatement of your license shall require the affirmative vote of three-fourths of the members of the Board present at the hearing. The reinstatement application can be found at www.dhp.virginia.gov/Nursing.

If you have any questions about this matter, you can contact me at (804) 367-4474 or anne.joseph@dhp.virginia.gov.

Sincerely,

Handwritten signature of Anne Joseph in cursive.

Anne Joseph, Deputy Director
Administrative Proceedings Division

cc: Jay P. Douglas, Executive Director, Board of Nursing

Enclosures

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: EDWIN RODRIGUEZ, L.P.N.
License Number: 0002-077550
Case Number: 177274

ORDER OF MANDATORY SUSPENSION

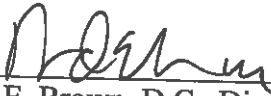
In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the Texas Board of Nursing revoked the privilege of Edwin Rodriguez, L.P.N., to practice practical nursing in the State of Texas. A certified copy of the Order of the Board is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Edwin Rodriguez, L.P.N., to practice practical nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Edwin Rodriguez, L.P.N., will be recorded as suspended and no longer current and valid. Should Edwin Rodriguez, L.P.N., seek reinstatement of his license pursuant to Virginia Code § 54.1-2409, he shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Mr. Rodriguez' multistate licensure privilege, if any, to practice practical nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.




David E. Brown, D.C., Director
Virginia Department of Health Professions

ENTERED:

12/9/16

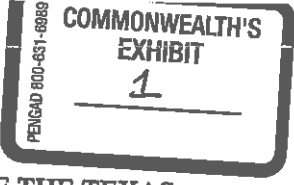
CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Order of the Board entered November 8, 2016, regarding Edwin Rodriguez, L.P.N., is a true copy of the records received from the Texas Board of Nursing.



David E. Brown, D.C.

Date: 12/9/16



IN THE MATTER OF
 PRIVILEGE TO PRACTICE FROM VIRGINIA
 VOCATIONAL LICENSE NUMBER 0002077550
 ISSUED TO
 EDWIN RODRIGUEZ,
 RESPONDENT

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BEFORE THE TEXAS
 BOARD OF NURSING
 ELIGIBILITY AND
 DISCIPLINARY COMMITTEE

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.
Stephanie P. ...
 Executive Director of the Board

ORDER OF THE BOARD

TO: EDWIN RODRIGUEZ
 8304 SAN JOSE ST.
 ARLINGTON, TX 76002

During open meeting held in Austin, Texas, on November 8, 2016, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Privilege to Practice from Virginia Vocational Nurse License Number 0002077550, previously issued to EDWIN RODRIGUEZ, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 8th day of November, 2016.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed September 16, 2016.

d17r(lvn)(2016.05.11)

Re: Privilege to Practice from Virginia Vocational Nurse License Number 0002077550
Issued to EDWIN RODRIGUEZ
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of November, 2016, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

EDWIN RODRIGUEZ
8304 SAN JOSE ST.
ARLINGTON, TX 76002

Via USPS First Class Mail

EDWIN RODRIGUEZ
6350 KELLER SPRINGS, APT. 932
DALLAS, TX 75248

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Privilege to Practice § **BEFORE THE TEXAS**
from Virginia Vocational Nurse §
License Number 0002077550 §
Issued to EDWIN RODRIGUEZ, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, EDWIN RODRIGUEZ, holds a Privilege to Practice from Virginia Vocational Nurse License Number 0002077550, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about August 9, 2007, Respondent was issued an Order by the Virginia Board of Nursing, Henrico, Virginia. A copy of the Virginia Board of Nursing's Order dated August 9, 2007, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8) and 304.001, Article 5, Texas Occupations Code.

CHARGE II.

On or about March 8, 2011, through June 1, 2016, while employed as a Licensed Vocational Nurse with Enterprise Staffing, Dallas, Texas, Respondent established his primary state of residence in the State of Texas, but failed to comply with the Rules and Regulations regarding his Compact License. On or about March 8, 2011, Respondent was issued an Agreed Eligibility Order by the Texas Board of Nursing but failed to complete the endorsement of his Vocational Nurse license into Texas, as required when he changed his primary state of residence to Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Eligibility Order dated March 8, 2011, is attached and incorporated, by reference, as part of this pleading. Respondent's conduct was likely to deceive the Board regarding his primary state of residence and was likely to deceive his employer regarding Respondent's compliance with nurse licensure compact requirements and provisions, in that they relied on the Multistate Licensure Compact Privilege associated with Respondent's Virginia license to continue his employment as a Licensed Vocational Nurse.

The above action constitutes grounds for disciplinary action in accordance with Sections 301.452(b)(1) & (13) and 304.001, Article 5, Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A), and 22 TEX. ADMIN. CODE §220.2(b)&(f).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.


NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Virginia Board of Nursing's Order dated August 9, 2007, and Agreed Eligibility Order dated March 8, 2011.

Filed this 16th day of September, 2016.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Abel, Assistant General Counsel
State Bar No. 24036103
John R. Griffith, Assistant General Counsel
State Bar No. 24079751
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Jessica Lance, Assistant General Counsel

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State Bar No. 19358600
John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512)305-7401

Attachments: Virginia Board of Nursing's Order dated August 9, 2007, and Agreed Eligibility Order dated March 8, 2011.

D(2015.11.18)