

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: HUGO A. CORTEZ, R.N.
License No.: 0001-243354**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on June 30, 2015, in Henrico County, Virginia. Hugo A. Cortez, R.N., was present and was not represented by legal counsel. Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 16, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Mr. Cortez Mr. Cortez was not present nor was he represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Hugo A. Cortez, R.N., was issued License No. 0001-243354 to practice professional nursing in Virginia on March 5, 2013. The license is scheduled to expire on December 31, 2015. Mr. Cortez holds License No. RN1027387 to practice in the District of Columbia and License No. RN9408167 to practice in the State of Florida. He also holds expired licenses in California and Maryland. His primary state of residence is Virginia.

2. By letter dated June 3, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Cortez notifying him that an informal conference would be held on June 30, 2015. The Notice was sent by certified and first class mail to 6712 Sunset Woods Court, Burke, Virginia 22015, the address of record on file with the Board of Nursing.

3. During the course of his employment with Inova Fairfax Hospital, Fairfax, Virginia, on August 13, 2014, Mr. Cortez falsely documented performing assessments on two patients although he had not seen the patients or performed the assessments.

4. Mr. Cortez worked the 7:00 p.m. to 7:00 a.m. shift on the date in question. At approximately 8:00 p.m., the charge nurse spoke to the two patients, whom she determined to be alert and oriented, and they denied having seen Mr. Cortez.

5. Mr. Cortez admitted to the charge nurse and two nursing supervisors that he had documented in the record prior to performing the assessments. As a result, Mr. Cortez' employment was terminated on August 15, 2014.

6. At the informal conference, Mr. Cortez stated that the information provided by the nursing supervisors was false, but he could not provide a plausible explanation of what the record demonstrates. Mr. Cortez denied ever admitting to documenting prior to performing assessments and his only explanation was that he arrived at work early. Mr. Cortez' answers at the informal conference and those provided to the Department of Health Professions investigator were evasive.

7. Mr. Cortez is currently employed in the observation unit at Holy Cross Hospital, Silver Springs, Maryland, where he has been employed since January 2013.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Hugo A. Cortez, R.N., is hereby REPRIMANDED.
2. Mr. Cortez shall provide the Board with verification that he has completed the NCSBN online course Documentation: A Critical Aspect of Client Care, within 60 days of the entry of this

Order. This course shall not be credited toward the continued competency requirements for the next renewal of his license.

3. Mr. Cortez shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Hugo A. Cortez, R.N., and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

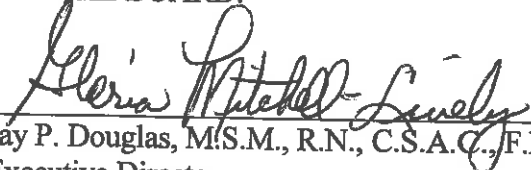
Pursuant to § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Cortez may, not later than 5:00 p.m., on November 1, 2015, notify Jay P. Douglas M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Certified True Copy

By  for
Virginia Board of Nursing

FOR THE BOARD:


Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: September 29, 2015

This Order shall become final on November 1, 2015, unless a request for a formal administrative hearing is received as described above.