



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 Johnson*  
Executive Director of the Board

IN THE MATTER OF § BEFORE THE ELIGIBILITY  
PERMANENT CERTIFICATE § AND DISCIPLINARY  
NUMBER 784777 § COMMITTEE  
ISSUED TO § OF THE TEXAS  
JOHN MOHAN CHACKO § BOARD OF NURSING

**ORDER OF THE BOARD**

TO: John Mohan Chacko  
P.O. Box 649  
Pasadena, TX 77506

During open meeting held in Austin, Texas, on May 8, 2012, the 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 of the Texas Board of Nursing 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 to practice professional 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 Eligibility and Disciplinary 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.

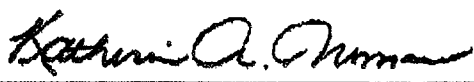
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 784777, previously issued to JOHN MOHAN CHACKO, to practice professional 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 professional nursing in the State of Texas.

Entered this 8th day of May, 2012.

TEXAS BOARD OF NURSING

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

Attachment: Formal Charges filed March 1, 2012.

Re: Permanent Certificate Number 784777  
Issued to JOHN MOHAN CHACKO  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>th</sup> day of May, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

John Mohan Chacko  
P.O. Box 649  
Pasadena, TX 77506

BY:



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

In the Matter of Permanent License § BEFORE THE TEXAS  
Number 784777, Issued to §  
JOHN MOHAN CHACKO, Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JOHN MOHAN CHACKO, is a Registered Nurse holding license number 784777, 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 June 10, 2011, Respondent's license to practice nursing in the State of California was Revoked by the California Board of Registered Nursing, Sacramento, California. A copy of the California Board of Registered Nursing Default Decision and Order effective June 10, 2011, 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), Texas Occupations Code.

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](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

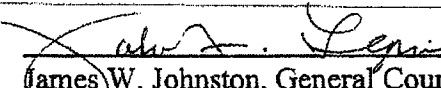
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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: California Board of Registered Nursing Default Decision and Order effective June 10, 2011.

Filed this 16<sup>th</sup> day of March, 2012.

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

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-8101 or (512)305-7401

Attachments: California Board of Registered Nursing Default Decision and Order effective June 10, 2011.

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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2011-438

**JOHN MOHAN CHACKO**  
919 Lake Jessamine Drive  
Orlando, FL 32839

**DEFAULT DECISION AND ORDER**

Registered Nurse License No. 568660

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about January 26, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-438 against John Mohan Chacko (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about July 18, 2000, the Board of Registered Nursing (Board) issued Registered Nurse License No. 568660 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

3. On or about January 26, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-438, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of

1 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,  
2 which was and is:

3 919 Lake Jessamine Drive  
4 Orlando, FL 32839.

5 4. Service of the Accusation was effective as a matter of law under the provisions of  
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
7 124.

8 5. On or about February 7, 2011, the aforementioned documents mailed by First Class  
9 were returned by the U.S. Postal Service marked "Not deliverable as addressed." On or about  
10 February 9, 2011, the aforementioned documents which were served by Certified Mail were  
11 returned by the U.S. Postal Service marked "Moved, Left No Address."

12 6. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
15 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
17 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
18 2011-438.

19 8. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the  
21 hearing, the agency may take action based upon the respondent's express admissions  
22 or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

23 9. Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
27 file at the Board's offices regarding the allegations contained in Accusation No. 2011-438, finds  
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1 that the charges and allegations in Accusation No. 2011-438, are separately and severally, found  
2 to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement is \$7,177.75 as of March 1, 2011.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent John Mohan Chacko has  
8 subjected his Registered Nurse License No. 568660 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
11 Nurse License based upon the following violations alleged in the Accusation which are supported  
12 by the evidence contained in the Default Decision Evidence Packet in this case.:

13 a. Business & Professions Code sections 820 and 821, in that Respondent failed to  
14 comply with the Board's order to compel a psychiatric examination which was issued on  
15 November 9, 2010, by failing to schedule and appear for the examination as required.

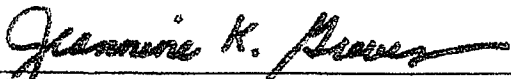
16 **ORDER**

17 IT IS SO ORDERED that Registered Nurse License No. 568660, heretofore issued to  
18 Respondent John Mohan Chacko, is revoked.

19 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
20 written motion requesting that the Decision be vacated and stating the grounds relied on within  
21 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
22 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

23 This Decision shall become effective on June 10, 2011.

24 It is so ORDERED May 10, 2011

25   
26 FOR THE BOARD OF REGISTERED NURSING  
27 DEPARTMENT OF CONSUMER AFFAIRS  
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50840729.DOC  
DOJ Matter ID:LA2010600881

Attachment:  
Exhibit A: Accusation

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# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 HELENE E. SWANSON  
Deputy Attorney General  
4 State Bar No. 130426  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 620-3005  
6 Facsimile: (213) 897-2804

*Attorneys for Complainant*

7  
8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-438

13 **JOHN MOHAN CHACKO**  
14 919 Lake Jessamine Drive  
15 Orlando, FL 32839

**ACCUSATION**

Registered Nurse License No. 568660

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
20 Consumer Affairs.

21 2. On or about July 18, 2000, the Board of Registered Nursing issued Registered Nurse  
22 License Number 568660 to John Mohan Chacko (Respondent). The Registered Nurse License  
23 was in full force and effect at all times relevant to the charges brought herein and will expire on  
24 November 30, 2011, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board of Registered Nursing (Board),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code unless otherwise indicated.

5 STATUTORY PROVISIONS

6 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
7 that the Board may discipline any licensee, including a licensee holding a temporary or an  
8 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
9 Nursing Practice Act.

10 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
12 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the  
13 Code, the Board may renew an expired license at any time within eight years after the expiration.

14 6. Section 820 of the Code states:

15 "Whenever it appears that any person holding a license, certificate or permit under this  
16 division or under any initiative act referred to in this division may be unable to practice his or her  
17 profession safely because the licentiate's ability to practice is impaired due to mental illness, or  
18 physical illness affecting competency, the licensing agency may order the licentiate to be  
19 examined by one or more physicians and surgeons or psychologists designated by the agency.  
20 The report of the examiners shall be made available to the licentiate and may be received as direct  
21 evidence in proceedings conducted pursuant to Section 822."

22 7. Section 821 of the Code states that: "The licentiate's failure to comply with an order  
23 issued under Section 820 shall constitute grounds for the suspension or revocation of the  
24 licentiate's certificate or license."

25 COST RECOVERY

26 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licentiate found to have committed a violation or violations of  
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 FACTUAL SUMMARY

4 9. On or about November 9, 2010, the Board issued an Order compelling the psychiatric  
5 evaluation of Respondent. The Order states in pertinent part: "That Respondent shall submit to  
6 an examination conducted by a physician specializing in psychiatry or psychologist selected by  
7 the Board, or its designee, to determine whether he is mentally or physically ill to such an extent  
8 as to affect his ability to practice registered nursing safely, 2. That the examination of  
9 Respondent shall be conducted at a time mutually convenient to Respondent and the examiner  
10 selected by the Board, but in no case later than thirty (30) days after the service of this Order."

11 10. On or about November 29, 2010, Carolina Lopez-Castillo, an employee of the  
12 Department of Justice, Office of the Attorney General, served the Petition for an Order to Compel  
13 Psychiatric Evaluation and Order on Respondent, by Certified and First Class Mail, at  
14 Respondent's address of record with the Board, which was and is:

15 919 Lake Jessamine Drive  
16 Orlando, Florida 32839

17 11. Ms. Lopez-Castillo also served the Petition on Respondent by Certified and First  
18 Class Mail, at the following address:

19 2929 E. Olympic Blvd. #100  
20 Los Angeles, California 90023

21 12. On or about December 4, 2010, the envelopes containing the Petition and Order  
22 which were served on Respondent by Certified and First Class mail were both returned by the  
23 post office as "not deliverable as addressed - unable to forward". To date, Respondent has not  
24 updated his address of record with the Board. Although it has been more than 30 days since the  
25 Petition and Order were served on Respondent, he has not agreed to submit to the Board's order  
26 compelling a psychiatric evaluation, and has failed to schedule an appointment for the evaluation  
27 to take place.

28 //

1 CAUSE FOR DISCIPLINE

2 (Failure to Comply with a Petition to Compel Psychiatric Evaluation)

3 13. Respondent is subject to disciplinary action under Sections 820 and 821, in that  
4 Respondent failed to comply with the Board's Order to compel a psychiatric examination which  
5 was issued on November 9, 2010, in that he has failed to schedule and appear for the examination  
6 as required. Complainant refers to, and by this reference incorporates, the allegations set forth  
7 above in Paragraphs 9-12.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 568660, issued to John  
12 Mohan Chacko;
- 13 2. Ordering John Mohan Chacko to pay the Board of Registered Nursing the reasonable  
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
15 Code section 125.3; and
- 16 3. Taking such other and further action as deemed necessary and proper.
- 17

18 DATED: \_\_\_\_\_

1/26/11

19 *Louise R. Bailey*  
20 LOUISE R. BAILEY, M.ED., RN  
21 Executive Officer  
22 Board of Registered Nursing  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant