



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 618075 §
issued to DAHLIA A. DOMINGUEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of DAHLIA A. DOMINGUEZ, Registered Nurse License Number 618075, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(3),(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 13, 2011, 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(s).
2. Respondent waived representation by counsel, informal proceedings, 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 Victoria College, Victoria, Texas, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on June 27, 1995.
5. Respondent's professional nursing employment history is unknown.
6. On or about April 8, 2002, Respondent's license to practice professional nursing was issued the sanction of a FINE by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 8, 2002, is attached and incorporated, by reference, as part of this Order.

7. On or about December 19, 1994, Respondent entered a plea of "No Contest/Nolo Contendere" and was convicted of TAMPERING WITH GOVT RECORD (a Class A misdemeanor offense committed on November 6, 1994), in the County Court, Aransas County, Texas, under Cause No. 15026. As a result of the conviction, Respondent was ordered to pay court costs.
8. On or about October 20, 1995, Respondent entered a plea of "Guilty" and was convicted of ISSUANCE OF A BAD CHECK (a Class C misdemeanor offense committed on October 12, 1996), in the County Court at Law No. 1, Victoria County, Texas, under Cause No. 164105. As a result of the conviction, Respondent was ordered to pay a fine.
9. On or about May 17, 2007, Respondent entered a plea of "Guilty" and was convicted of THEFT PROP >=\$20<\$500 BY CHECK (a Class B misdemeanor offense committed on April 26, 2006), in the County Court at Law No. 2, Williamson County, Texas, under Cause No. 0687141. As a result of the conviction, Respondent was sentenced to twenty (20) days confinement in the County Jail, Williamson County, Texas, with credit for thirteen (13) days served, and ordered to pay restitution and court costs.
10. At the time of the incident, Respondent was employed as a Registered Nurse with Texas Heart Hospital, San Antonio, Texas, and had been in this position for approximately two (2) weeks.
11. On or about January 30, 2009, while employed as a Registered Nurse with Texas Heart Hospital, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she was found sleeping at the nurses station. Additionally, Respondent refused to take a drug screen requested by Texas Heart Hospital, San Antonio, Texas, and reported she completed a drug screen outside the hospital, but did not provide them a copy of the drug screen. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
12. In response to Finding of Fact Number Eleven (11), Respondent states: On the day in question, I would like to make it clear that I was not asleep. I was sleepy after lunch. In the nurses's station as I felt my eyes heavy, I verbalized, "I better get up and walk around before I fall asleep." Now I fear that my own verbalization has allowed employees to accuse me of sleeping.

An Administrator came to talk to me about feeling sleepy and then asked me to take a urine drug screen. I then informed her that I did not feel comfortable at this establishment and that I would be leaving as soon as I knew that my patients were cared for.

13. On or about August 3, 2009, Respondent lacked fitness to practice professional nursing in that Respondent disclosed to the Board that she was addicted to Heroin and had been admitted to a alcohol and drug rehabilitation center. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
14. In response to Finding of Fact Number Thirteen (13), Respondent states: I am writing to inform you of my recent drug addiction. I must report that I was recently addicted to heroin. Now that I am no longer in denial, I am admitted to Charlie's Place in Corpus Christi, Texas, which is an alcohol and drug rehabilitation center. I am in recovery and always will be. While awaiting a bed at Charlie's Place, I attended an Intensive Out-patient Therapy Group at North Bay Hospital in Aransas Pass, Texas. I know that I am a work-in-progress until the day I die. I am in recovery with this program and this is where I belong for now. This program is based on the 12 steps of alcoholics anonymous and is now and will continue to be my core, secondary only to God.
15. On or about May 11, 2009, Respondent entered a plea of "Nolo Contendere" and was convicted of THEFT \$50-\$500 (a Class B misdemeanor offense committed on March 3, 2009), in the County Court at Law No. 2, Bexar County, Texas, under Cause No. 282029. As a result of the conviction, Respondent was sentenced to fifteen (15) days confinement in the Bexar County Adult Detention Center, Bexar County, Texas, with credit for seven (7) days served, and ordered to pay a fine and court costs.
16. In response to Finding of Fact Number Fifteen (15), Respondent states: In my addiction, I was caught at Marshalls Department store stealing perfumes and a purse. Unfortunately my addiction led me to many behaviors that I am now realizing only brought me down further and were just wrong. I received jail time and a monetary fine that have both been fulfilled.
17. On or about August 24, 2009, Respondent self-reported that she had not completed her twenty (20) hours of continuing education requirement for the past two (2) years. Respondent's conduct was likely to deceive the public in that they believed Respondent's nursing practice was in compliance with all Board Rules and Regulations.
18. 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.
19. 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.
20. Respondent's conduct described in Findings of Fact Numbers Eight (8) and Ten (10) resulted from Respondent's dependency on chemicals.

21. 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 violations of Section 301.452(b)(3),(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(B),(5)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 618075, heretofore issued to DAHLIA A. DOMINGUEZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. 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 TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are 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 Texas Board of Nursing 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice 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.

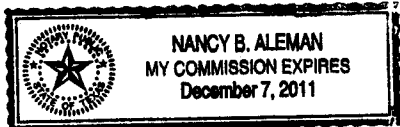
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings 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 Texas Board of Nursing, 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(s) to practice nursing in the State of Texas, as a consequence of my non-compliance.

Signed this 8th day of Sept, 2011.

Dahlia A. Dominguez
DAHLIA A. DOMINGUEZ, Respondent

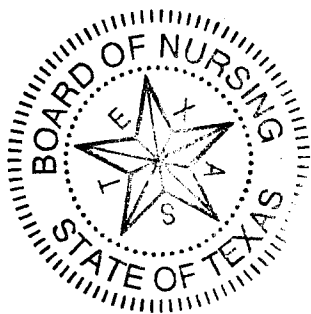
Sworn to and subscribed before me this 8th day of June, 2011.

SEAL



Nancy B. Aleman
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 8th day of June, 2011, by DAHLIA A. DOMINGUEZ, Registered Nurse License Number 618075, and said Order is final.



Entered and effective this 16th day of June, 2011.

A handwritten signature in cursive script, reading 'Katherine A. Thomas'.

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