



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	§	AGREED
Registered Nurse License Number 714865	§	
issued to RAFAEL SALAS CABASAG	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RAFAEL SALAS CABASAG, Registered Nurse License Number 714865, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 8, 2013, subject to ratification by the Board.

## 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 a Baccalaureate Degree in Nursing from Perpetual Help College, Manila, Philippines, on March 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on April 11, 2005.
5. Respondent's professional nursing employment history includes:

1995 - 2003	RN	Isabela Provincial Hospital Isabela, Philippines
-------------	----	---

Respondent's professional nursing employment history continued:

2003 - 2005	RN	Citrus Memorial Hospital Inverness, Florida
07/05 - 03/12	RN	McAllen Medical Center McAllen, Texas
2012 - Present	RN	Doctor's Hospital at Renaissance McAllen, Texas

6. At the time of the initial incident, Respondent was employed as a registered nurse with McAllen Medical Center, McAllen, Texas, and had been in this position for six (6) years and eight (8) months.
7. On or about March 9, 2012, while employed as the charge nurse in the critical care unit of McAllen Medical Center, McAllen, Texas, Respondent failed to provide a safe environment for Patient Medical Record Number 647028 in that, after the patient became combative with respiratory distress, Respondent assisted the patient's primary nurse by holding down the patient while he/she was inappropriately restrained with blood pressure cuffs. Respondent's conduct unnecessarily exposed the patient to risk of complications, including decreased circulation, skin breakdown and emotional distress.
8. On or about March 9, 2012, while employed as the charge nurse in the critical care unit of McAllen Medical Center, McAllen, Texas, Respondent failed to monitor and supervise the nursing care and performance of tasks by his nursing staff in that Respondent assisted the patient's primary nurse in restraining Patient Medical Record Number 647028, without a valid physician's order in place. Additionally, the patient's primary nurse failed to document an assessment of the patient's need for the restraint and the type of restraint used. Respondent's conduct unnecessarily exposed the patient to risk of complications and/or adverse reactions from the restraint, and created an inaccurate medical record.
9. On or about March 9, 2012, while employed as the charge nurse in the critical care unit of McAllen Medical Center, McAllen, Texas, Respondent disregarded the physician's order for one to one (1:1) staffing for Patient Medical Record Number 647028. Instead, Respondent inappropriately altered the assignment to two to one (2:1) staffing, without notifying the physician or the house supervisor. Subsequently, the patient removed his bilevel positive airway pressure (BiPAP) mask, became combative, attempted to get up out of bed, and began experiencing respiratory distress. Respondent's conduct may have contributed to the patient's decline in condition.
10. In response to the incidents in Findings of Fact Numbers Seven (7) to Nine (9), Respondent states that, regarding the restraints, the patient's primary nurse called for help after the patient became combative, removed his BiPAP mask and started deteriorating. Respondent states that he and another nurse, RN R.D., went to help the primary nurse with her patient.

Respondent further states that RN R.D. suggested they use blood pressure cuffs to restrain the patient so that the bipap mask could be placed back on the patient. Respondent states that RN R.D. and the primary nurse restrained the patient, while Respondent reapplied the BiPAP mask, which in turn, stabilized the patient. Regarding the assignment change, Respondent states that the unit was short staffed and he was originally assigned the 1:1 patient. Respondent felt he could not adequately function as the charge nurse with a 1:1 patient so he changed the assignment.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A),(B),(C),(M),(S)&(U) and 217.12(1)(A),(1)(B),(1)(D)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 714865, heretofore issued to RAFAEL SALAS CABASAG, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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 nurse licensure compact 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 that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*  
<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT

SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited with the exception that RESPONDENT may continue to work at Doctor's Hospital at Renaissance, Edinburg, Texas, and at Rio Grande Regional Hospital, McAllen, Texas. If RESPONDENT ceases to work at Doctor's Hospital at Renaissance, Edinburg, Texas or Rio Grande Regional Hospital, McAllen, Texas, for any

reason, multiple employers will be prohibited without exception.

(6) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year(s) of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

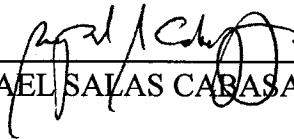
CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

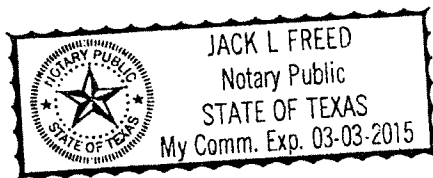
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 noncompliance.

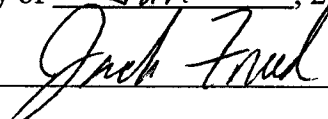
Signed this 21 day of JUNE, 2013.

  
\_\_\_\_\_  
RAFAEL SALAS CABASAG, RESPONDENT

Sworn to and subscribed before me this 21<sup>st</sup> day of June, 2013.

SEAL



  
\_\_\_\_\_  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 21<sup>st</sup> day of June, 2013, by RAFAEL SALAS CABASAG, Registered Nurse License Number 714865, and said Order is final.

Effective this 6th day of August, 2013.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

---

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