



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 753261 §
issued to ROBERTO MORALES DELMUNDO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROBERTO MORALES DELMUNDO, Registered Nurse License Number 753261, 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), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 29, 2016.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Brokenshire College, Davao City, Philippines on April 23, 2005. Respondent was licensed to practice professional nursing in the State of Texas on April 14, 2008.
5. Respondent's nursing employment history includes:

2008 - 4/2010	Unknown	
5/2010 - 8/2011	Charge Nurse	Vintage Health Care Center Denton, Texas

Respondent's nursing employment history includes:

5/2011 - 5/2012	Staff Nurse	Atrium Medical Center Corinth, Texas
6/2012 - 9/2012	Unknown	
10/2012 - 10/2013	Charge Nurse	Vintage Health Care Center Denton, Texas
11/2012 - 10/2013	Charge Nurse	Gainesville Nursing and Rehabilitation Gainesville, Texas
10/2013 - 4/2015	Staff Nurse	Cook Childrens Fort Worth, Texas
4/2015 - 8/2015	Staff Nurse	Texas Health Presbyterian Hospital-Denton Denton, Texas
8/2015 - Present	Staff Nurse	Abundant Home Health Arlington, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Texas Health Presbyterian Hospital-Denton, Denton, Texas, and had been in that position for four (4) months.
7. On or about August 14, 2015, through August 16, 2015, while employed as a Staff Nurse with Texas Health Presbyterian Hospital-Denton, Denton, Texas, and while caring for Patient Number 95781, Respondent failed to document in the patient's medical record that the patient still had the insulin pump on after the patient was ordered by the physician to have it turned off. Further, Respondent failed to reassess the patient when the patient had a blood sugar reading of sixty-seven (67), and was experiencing a hypoglycemic episode, and Respondent failed to notify the physician when the patient became hypoglycemic. Respondent's conduct was likely to injure the patient from the absence of a physician's expertise and untreated effects of hypoglycemia such as neurological damage.
8. On or about August 14, 2015, through August 16, 2015, while employed as a Staff Nurse with Texas Health Presbyterian Hospital-Denton, Denton, Texas, Respondent withdrew five (5) vials of Hydromorphone 1 mg/1 mL, from the medication dispensing system for patients but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of the Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
9. On or about August 15, 2015, through August 16, 2015, while employed as a Staff Nurse with Texas Health Presbyterian Hospital-Denton, Denton, Texas, Respondent failed to appropriately assess and intervene when Patient Number 559082, had no urine output for

Respondent's shift, and failed to follow physician orders for the patient to have a urinalysis test done via a straight catheter. Respondent's failure to assess and intervene, and following the physician's order exposed the patient to the risk of harm in that significant changes in the patient's status went undetected and could have prevented a timely intervention.

10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states regarding the issue of not following the facility's policy on proper documentation of Dilaudid wastage, he did not follow the proper procedure. Respondent states he ensured the wasted Dilaudid was disposed of in the proper waste receptacle. Respondent states regarding the insulin pump he observed that the patient was not in any distress. Respondent states he did not document any urine output due to the patient did not have any output as verbalized by the patient and Patient Care Technician. Respondent states the patient has ESRD and undergoes dialysis regularly. Respondent states regarding not doing the straight catheter, after clocking out to go home, he was asked by a nurse why the patient does not have any output and he informed the nurse there was no output to document as verbalized by patient.

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), (1)(B), (1)(C), (1)(D), (1)(M), (1)(P) & (3)(A) and 217.12(1)(A), (1)(B), (4), (10)(C) & (11)(B).
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 753261, heretofore issued to ROBERTO MORALES DELMUNDO.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that 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. Home study courses and video programs will not be approved.
- B. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.

- C. **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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

- C. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

- D. **Nursing Performance Evaluations:** 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 and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

V. **RESTORATION OF UNENCUMBERED LICENSE(S)**

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 may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

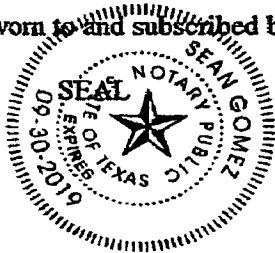
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 18 day of April, 2016.

Roberto del Mundo

ROBERTO MORALES DELMUNDO, Respondent

Sworn to and subscribed before me this 18 day of April, 2016.



Sean Gomez
Notary Public in and for the State of TX

Approved as to form and substance.

Taralynn R. Mackay
Taralynn R. Mackay, Attorney for Respondent

Signed this 19th day of April, 2016

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 18th day of April _____, 2016, by ROBERTO MORALES DELMUNDO, Registered Nurse License Number 753261, and said Order is final.

Effective this 14th day of June, 2016.



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