



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 830835 §
issued to NGOC BAO PHAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NGOC BAO PHAN, Registered Nurse License Number 830835, 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 June 9, 2017.

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 the University of Texas - Medical Branch, Galveston, Texas, on December 14, 2012. Respondent was licensed to practice professional nursing in the State of Texas on January 1, 2013.
5. Respondent's nursing employment history includes:

01/2013 - 12/2014	Staff Nurse	Houston Northwest Medical Center
		Houston, Texas

Respondent's nursing employment history continued:

12/2014 - 11/2015	Field Supervisor	Outreach Health Services Houston, Texas
11/2015 - Present	Staff Nurse	Cypress Fairbanks Medical Center Houston, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse with Cypress Fairbanks Medical Center, Houston, Texas, and had been in that position for eleven (11) months.
7. On or about October 4, 2016, while employed as a Staff Nurse with Cypress Fairbanks Medical Center, Houston, Texas, Respondent failed to completely and accurately document in the medical record of Patient AP. Respondent documented that she completed an assessment and provided discharge instructions to the patient that were completed by another nurse, and failed to ensure that the discharge documentation included the patient and discharging nurse's signatures. Respondent's conduct resulted in incomplete and inaccurate medical records and exposed the patients to a risk of harm from clinical care decisions based upon incomplete and inaccurate assessment information.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that at 8:30am on said date, she performed a head-to-toe physical assessment, assessed for pain, and cleaned and changed the incision dressings, which she documented. Respondent states that at 12:15 pm, she instructed the patient on how to clean her wounds at home, monitor for signs and symptoms of infection, and refrain from heavy lifting. Respondent states that at 1:30pm, the physician came to the unit and gave her verbal discharge orders and for the patient to follow-up with the physician in two weeks. Respondent states that she then went to the patient's room and told her that the physician had ordered discharge. Respondent states that she told the patient to give her thirty (30) minutes to gather discharge instructions and supplies, and that she will come back to provide instructions and remove the IV. Respondent states that at this time the patient became upset and began crying because she was not able to see the physician before discharge. Respondent states that she paged the physician and asked the charge nurse to assist her with the patient's discharge. Respondent states that at 2:10pm, she saw both the physician and charge nurse enter the patient's room, and at 3:00pm she saw the charge nurse taking the patient away in a wheelchair. Respondent states that the charge nurse provided the patient with discharge instructions, removed the patient's IV, and sent the patient on her way home.

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)(D)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(1)(C).
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 830835, heretofore issued to NGOC BAO PHAN.
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 **REMEDIAL EDUCATION** 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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. 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.*

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.

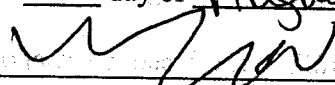
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RESPONDENT'S CERTIFICATION

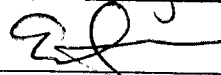
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 25th day of August, 2017.



NGOC BAO PHAN, Respondent

Sworn to and subscribed before me this 25th day of August, 2017.



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 ratify and adopt the Agreed Order that was signed on the 25th day of August, 2017, by NGOC BAO PHAN, Registered Nurse License Number 830835, and said Order is final.

Effective this October 2, 2017.



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