



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.
William D. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Registered Nurse License Number 686867	§	
issued to MYUNG HI CHO	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that MYUNG HI CHO, Registered Nurse License Number 686867, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on August 1, 2017, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Nancy Roper Willson, Attorney at Law.

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 Pusan National University, Pusan, South Korea, on February 28, 1976. Respondent was licensed to practice professional nursing in the State of Texas on June 24, 2002.
5. Respondent's nursing employment history includes:

6/2002-9/2003	Staff Nurse	Vintage Nursing Home Denton, Texas
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Respondent's nursing employment history continued:

10/2003-12/2008	Dialysis Nurse	US Renal Care Fort Worth, Texas
1/2009-8/2014	Unknown	
9/2014-2/2015	Dialysis Nurse	SNG North West Dialysis Center Houston, Texas
3/2015-10/2015	Dialysis Nurse	SNG Greenville Dialysis Center Greenville, Texas
5/2015-11/2015	Dialysis Nurse/ Charge Nurse	US Renal Care Fort Worth, Texas
12/2015-4/2017	Dialysis Nurse	Fresenius Medical Care Fort Worth, Texas
5/2017-Present	Not working in Nursing	

6. At the time of the incident, Respondent was employed as a Dialysis Nurse with Fresenius Medical Care, Fort Worth, Texas, and on assignment at Baylor Scott & White All Saints, Fort Worth, Texas, and had been in that position for one (1) year and two (2) months.
7. On or about January 21, 2017, while employed as a Dialysis Nurse with Fresenius Medical Care, Fort Worth, Texas, and on assignment at Baylor Scott & White All Saints, Fort Worth, Texas, Respondent failed to escalate the situation in that she failed to re-notify the physician when Respiratory Therapists failed to fulfill his orders for a Bilevel Positive Airway Pressure device (BiPAP) for Patient Number 890496205. Patient Number 890496205 experienced continued low oxygen saturation, ranging from 28% to 68%, during dialysis treatment. The patient's oxygen saturation continued to fluctuate for approximately three (3) hours during dialysis, and while being examined by a physician the patient went into respiratory arrest and a Code Blue was called. The patient was transferred to a higher level of care, and later expired. Respondent's conduct may have contributed to a delay in additional treatment for the patient.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she put a pulse oximeter on the patient, even though she arrived to dialysis without one; she increased the oxygen from 2 liters per minute (lpm) to 3 lpm and then 4 lpm; she sat the patient up in high Fowler's position to assist with breathing; she notified the nephrologist of the patient's status during dialysis; and she called the respiratory therapists several times and told two therapists in person about the BiPAP order placed for the patient. Respondent states

that the patient was alert and oriented throughout the treatment. Respondent adds that she addressed and reported the circumstances as they arose and cared for the patient to the best of her knowledge.

9. On July 7, 2017, Respondent successfully completed a Board approved course in Professional Accountability, which would have been a requirement of this Order.
10. On July 7, 2017, Respondent successfully completed a Board approved course in Sharpening Critical Thinking Skills, which would have been a requirement of this Order.
11. On July 8, 2017, Respondent successfully completed a Board approved course in Nursing Jurisprudence and Ethics, which would have been a requirement of this Order.
12. On July 23, 2017, Respondent successfully completed a Board approved course in Physical Assessment, which would have been a requirement of this Order.

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)(M),(1)(P)&(3)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 686867, heretofore issued to MYUNG HI CHO.
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 **REPRIMAND 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. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

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. 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 eight (8) quarterly periods [two (2) years] of employment.

This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse 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 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. **Indirect Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, 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.
- D. **Incident Reporting:** For the remainder of the stipulation/probation period, RESPONDENT SHALL CAUSE her 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.

- E. 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] 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, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, 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 4th day of December, 2017.

myung hi cho.
MYUNG HI CHO, Respondent

Sworn to and subscribed before me this ____ day of _____, 20 ____.

SEAL

Notary Public in and for the State of _____

^{nrw}
Approved as to form and substance.

Nancy Roper Willson
Nancy Roper Willson, Attorney for Respondent

Signed this 4th day of December, 2017.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of December, 2017, by MYUNG HI CHO, Registered Nurse License Number 686867, and said Order is final.

Effective this 18th day of January, 2018.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas". The signature is fluid and cursive, written over a horizontal line.

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