



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 ORDER
Registered Nurse License Number 592136 §
issued to DOMINGO LOBATON CHUA §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DOMINGO LOBATON CHUA, Registered Nurse License Number 592136, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 18, 2020.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in delinquent status.
4. Respondent received a Diploma in Nursing from Cebu Central College, Cebu City, Philippines, on May 1, 1988. Respondent was licensed to practice professional nursing in the State of Texas on July 12, 1993.
5. Respondent's nursing employment history includes:

7/1993 – 10/2017	RN	Houston Methodist Hospital Houston, Texas
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Respondent's nursing employment history continued:

11/2017 - Present

Not employed in nursing

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, and had been in that position for approximately twenty-four (24) years.
7. On or about August 19, 2017 through August 25, 2017, while employed with Houston Methodist Hospital, Houston, Texas, Respondent withdrew Fentanyl, Tramadol, and Hydromorphone from the medication dispensing system, but failed to document and/or completely and accurately document the administration of the medications in the patients' Medication Administration Records (MARs) and/or Nurse's Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients which could result in an overdose. Additionally, Respondent's conduct created an inaccurate medical record and placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about August 18, 2017 through August 25, 2017, while employed with Houston Methodist Hospital, Houston, Texas, Respondent withdrew Fentanyl, Tramadol, and Hydromorphone from the medication dispensing system, but failed to follow the facility's policy and procedure regarding wastage of the unused medication. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the hospital pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
9. On or about August 18, 2017 through August 25, 2017, while employed with Houston Methodist Hospital, Houston, Texas, Respondent misappropriated Fentanyl, Tramadol, and Hydromorphone belonging to the facility or patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
10. On or about September 29, 2017, while employed with Houston Methodist Hospital, Houston, Texas, Respondent engaged in the intemperate use of Hydromorphone and Fentanyl, in that he submitted a urine specimen for a "for cause" drug screen that resulted positive for Hydromorphone and Fentanyl. Possession of Hydromorphone and Fentanyl, without a valid prescription, is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Hydromorphone and Fentanyl by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

11. In response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent admits to the allegations and states he relapsed 18 months after he successfully completed the TPAPN. Respondent states since the day after he was terminated from work at Houston Methodist Hospital, he decided to quit and not continue his nursing career.
12. Formal Charges were filed on August 13, 2020.
13. Respondent by his signature expresses his desire to voluntarily surrender the licenses.

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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(5),(6)(G),(8),(10)(A),(10)(C),(10)(D),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 592136, heretofore issued to DOMINGO LOBATON CHUA.
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

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 592136 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. At least one (1) year has elapsed from the date of this Order; and
 - B. RESPONDENT has objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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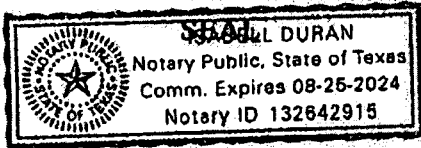
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 8th day of February, 2021.

[Signature]
DOMINGO LOBATON CHUA, RESPONDENT


Sworn to and subscribed before me this 08 day of FEBRUARY, 2021.



[Signature]
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 8th day of February, 2021, by DOMINGO LOBATON CHUA, Registered Nurse License Number 592136, and said Agreed Order is final.

Effective this 9th day of February, 2021.



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