

# BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
Advanced Practice Registered Nurse License	§	
Number AP120371 with Prescription	§	
Authorization Number 1131	§	
& Registered Nurse License Number 777198	§	
issued to NICK CONG NGUYEN	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NICK CONG NGUYEN, Advanced Practice Registered License Number AP120371 with Prescription Authorization Number 1131, and Registered Nurse License Number 777198, 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)(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 March 4, 2021.

## 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 current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Family Nurse Practitioner is in current status with Prescription Authorization Number 1131 in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Hardin Simmons University, Abilene, Texas, on October 6, 2009. Respondent received a Master's Degree in Nursing from Samford University on May 1, 2011. Respondent was licensed to practice professional nursing in the State of Texas on November 3, 2009. Respondent was licensed

to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner with Prescription Authorization on June 14, 2011.

5. Respondent's nursing employment history includes:

11/2009 – 1/2010	Unknown	
2/2010 – 8/2011	Registered Nurse	Mainland Medical Hospital Texas City, Texas
9/2011	Unknown	
10/2011 – 2/2012	Family Nurse Practitioner	Pain & Health Management Center Houston, Texas
3/2012 – 9/2013	Family Nurse Practitioner	Pain Relief Associates Houston, Texas
9/2013 – 6/2014	Family Nurse Practitioner	CyFair Health & Wellness Cypress, Texas
2/2014 – Present	Family Nurse Practitioner	Prime Urgent Care Pearland, Texas
11/2015 – 11/2016	Family Nurse Practitioner	Access Urgent Care Spring, Texas
11/2017 – 2/2018	Family Nurse Practitioner	Redi Clinic Pasadena, Texas
2/2018 – Present	Family Nurse Practitioner	MedExpress Urgent Care Pasadena, Texas
9/2019 – 9/2020	Family Nurse Practitioner	Pain Relief Associates Houston, Texas

6. At the time of the incident, Respondent was employed as a Family Nurse Practitioner with Prime Urgent Care, Pearland, Texas, and had been in that position for six (6) years and nine (9) months.
7. On or about November 4, 2020, while employed as a Family Nurse Practitioner with Prime Urgent Care, Pearland, Texas, Respondent submitted the wrong dosage information to the pharmacy when he prescribed antibiotics for Patient J.W., whom Respondent had assessed for an infected wound. In addition, Respondent failed to notify the pharmacy regarding the

error when he re-submitted the prescription in order to correct the dosage error. Subsequently, Patient J.W. received the prescription for double-strength Bactrim with instructions to take two tablets two times a day, instead of one tablet two times a day. Thereafter, Patient J.W. experienced side effects, developed hives, and was seen in the emergency room. Respondent's conduct unnecessarily exposed the patient to the risk of harm from the adverse effects of ingesting the incorrect dose for an antibiotic for her infection.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states the initial prescription was e-prescribed at 6:57 p.m. Respondent states after looking over his documentation, he realized the initial prescription was sent in error. A second and correct e-prescription was submitted at 7:00 pm. Respondent states that usually the pharmacy would contact the office and ask which prescription they were to fill, since they were sent three minutes apart. Respondent states that he never received such a call, so he assumed they filled the second script since it was more in line with the treatment for cellulitis.

### 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)(P)&(4)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP120371 with Prescription Authorization Number 1131, and Registered Nurse License Number 777198, heretofore issued to NICK CONG NGUYEN.
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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

## 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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 and video programs will not be approved.
- B. **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](http://www.bon.texas.gov/compliance).*

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

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(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.

**RESPONDENT'S CERTIFICATION**

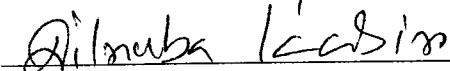
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, 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 10 day of MAY, 2021.

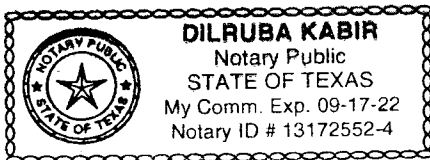
  
\_\_\_\_\_  
NICK CONG NGUYEN, RESPONDENT

Sworn to and subscribed before me this 10 day of May, 2021.

SEAL

  
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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 10th day of May, 2021, by NICK CONG NGUYEN, Registered Nurse License Number 777198, and said Agreed Order is final.

Effective this 17th day of May, 2021.

A handwritten signature in black ink, reading "Katherine A. Thomas". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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