



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 Vocational Nurse License Number 133694 § AGREED
and Registered Nurse License Number 618076 §
issued to LUIS D. DOMINGUEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LUIS D. DOMINGUEZ, Registered Nurse License Number 618076, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(2)&(9) Revised Civil Statutes of Texas, as amended, and Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 6, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent holds a license to practice vocational nursing in the State of Texas, which is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Odessa College, Odessa, Texas, on May 10, 1991, and Respondent received an Associate Degree in Nursing from Odessa College, Odessa, Texas, on May 1, 1995. Respondent was licensed to practice vocational nursing in the State of Texas, on December 3, 1991, and Respondent was licensed to practice professional nursing in the State of Texas on June 27, 1995.

5. Respondent's complete professional nursing employment history includes:

02/90 - 05/-93	LVN	Medical Center Hospital Odessa, Texas
06/93 - 12/93	LVN	Medical City Dallas Dallas, Texas
12/93 - 05/96	LVN/RN	Medical Center Hospital Odessa, Texas
05/96 - 04/98	RN	Nurses, Unlimited Odessa, Texas
04/98 - 06/01	RN	Medical Center Hospital Odessa, Texas
06/01 - 06/03	RN	Brazosport Memorial Hospital Brazosport, Texas
06/03 - 03/08	RN	Midland Memorial Hospital Midland, Texas
03/08 - Present	RN	Medical Center Hospital Odessa, Texas

6. On or about March 24, 1995, Respondent submitted an Application By Examination to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question: "Have you ever been convicted of a crime other than minor traffic violation?" Respondent failed to disclose the following conviction:

On or about February 28, 1993, Respondent was convicted of DRIVING UNDER INFLUENCE LIQUOR (a Class B Misdemeanor offense committed on January 24, 1992), in Midland County, Texas. As a result of the conviction, Respondent was placed on probation for a period of one (1) year.

7. On or about April 3, 2007, Respondent submitted a License Renewal Form for Registered Nurses to the Board of Nurse Examiners for the State of Texas in which he answered "Yes" to the question, "Have you ever been convicted...?"

On or about February 28, 1993, Respondent was convicted of DRIVING UNDER INFLUENCE LIQUOR (a Class B Misdemeanor offense committed on January 24, 1992), in Midland County, Texas. As a result of the conviction, Respondent was placed on probation for a period of one (1) year.

On or about April 15, 1999, Respondent entered a plea "Guilty" and was convicted of DRIVING WHILE INTOXICATED 2ND (a Class A Misdemeanor offense committed on November 21, 1998), in the County Court at Law Number Two, Ector County, Texas, under Cause Number 984536. As a result of the conviction, Respondent was sentenced to confinement in the Ector County Jail, Ector County, Texas, for a period of seventy-five (75) days and ordered to pay a fine and court costs. In lieu of serving his sentence of confinement in the County Jail, Respondent was permitted to submit to electronic monitoring.

On or about August 28, 2006, Respondent entered a plea of "Guilty" and was convicted of DRIVING WHILE INTOXICATED 2ND (a Class A Misdemeanor offense committed on November 18, 2005), in the 161st Judicial District Court, Ector County, Texas, under Cause Number B-32,940. As a result of the conviction, Respondent was placed on probation for a period of two (2) years, which included an Interlock device, evaluation by a Licensed Chemical Dependency Counselor, classes, a fine and court costs. Respondent successfully completed the terms of the probation. Respondent did not test positive for alcohol with the Interlock device. The Licensed Chemical Dependency Counselor, Anna Scroggins, did not find a "pattern of dependency."

8. Respondent underwent a psychological evaluation by Dr. Martin Salazar. Dr. Salazar made the professional diagnosis of alcohol abuse in remission, but did not find evidence of chemical dependence.
9. On or about December 15, 2008, Respondent completed a course on Nursing Ethics and Jurisprudence, which would have been a stipulation of this Order.
10. Formal Charges were filed on October 23, 2008.
11. Formal Charges were mailed to Respondent on November 13, 2008.

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 of Article 4525(b)(2)&(9) TEX. REV. CIV. STAT. ANN., Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13) and 22 TEX. ADMIN. CODE §217.13(17){eff. through 09/1/99}.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 133694 and Registered Nurse License Number 618076, heretofore issued to LUIS D. DOMINGUEZ, including revocation of Respondent's licenses to practice vocational and professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS and RESPONDENT SHALL 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check

or U.S. money order. Partial payments will not be accepted.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.* Respondent has successfully completed the course and has satisfied this requirement.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64)

HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE AND REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) RESPONDENT SHALL be supervised by a Registered Nurse or 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.

(6) 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 Registered Nurse or a Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) years of employment as a nurse.

(7) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results**

of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(8) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. Random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further

disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

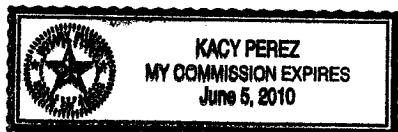
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 revocation of my licenses to practice vocational and professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4 day of August, 2009.

Luís D. Domínguez
LUIS D. DOMINGUEZ, Respondent

Sworn to and subscribed before me this 4 day of August, 2009.

SEAL



Kacy R Perez
Notary Public in and for the State of Texas


Approved as to form and substance.

Jon E. Porter
Jon E. Porter, Attorney for Respondent

Signed this 9th day of August, 2009.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of August, 20 09, by LUIS D. DOMINGUEZ, Vocational Nurse License Number 133694 and Registered Nurse License Number 618076, and said Order is final.

Effective this 8th day of September, 20 09.


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

