

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 188651
ISSUED TO
ANTHONY KABUCHO NAURIMU

§
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§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



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.
Patricia P. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Anthony Kabucho Naurimu
8 Zoar Street
Worcester, Massachusetts 01604

During open meeting held in Austin, Texas, on February 14, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 188651, previously issued to ANTHONY KABUCHO NAURIMU, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 14th day of February, 2012.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed October 25, 2011.

Re: Permanent Certificate Number 188651
Issued to Anthony Kabucho Naurimu
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Anthony Kabucho Naurimu
8 Zoar Street
Worcester, Massachusetts 01604

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § BEFORE THE TEXAS
Number 188651, Issued to §
ANTHONY KABUCHO NAURIMU, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ANTHONY KABUCHO NAURIMU, is a Vocational Nurse holding license number 188651, which is in dilenquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about July 27, 2010, Respondent was issued a Consent Agreement for Probation from the Commonwealth of Massachusetts, Board of Registration in Nursing wherein Respondent's license to practice practical nursing in the Commonwealth of Massachusetts was placed on Probation with stipulations. On or about May 18, 2011, Respondent's license to practice practical nursing in the Commonwealth of Massachusetts was Suspended Indefinitely for failure to comply with the terms and conditions of the Consent Agreement issued by the Commonwealth of Massachusetts dated July 27, 2010. A copy of the Consent Agreement for Probation issued by the Commonwealth of Massachusetts, Board of Registration in Nursing dated July 27, 2010 is attached and incorporated by reference as a part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE II.

On or about August 3, 2011, Respondent was issued an EX Parte Order of Summary Action by the Washington State Board of Nursing wherein Respondent's license to practice practical nursing in the State of Washington was Summarily Suspended for actions taken by the Commonwealth of Massachusetts, Board of Registration in Nursing. A copy of the EX Parte Order of Summary Action issued by the Washington State Board of Nursing dated August 4, 2011 is attached and incorporated by reference as a part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for

legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Consent Agreement for Probation issued by the Commonwealth of Massachusetts, Board of Registration in Nursing dated July 27, 2010 and EX Parte Order of Summary Action issued by the Washington State Board of Nursing dated August 4, 2011.

Filed this 25th day of October, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Consent Agreement for Probation issued by the Commonwealth of Massachusetts, Board of Registration in Nursing dated July 27, 2010 and EX Parte Order of Summary Action issued by the Washington State Board of Nursing dated August 4, 2011.

D/2011.09.23



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
Board of Registration in Nursing
239 Causeway Street, Suite 200 Boston, MA 02114
617-973-0800
TTY 617-973-0895

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

VIA U.S. FIRST CLASS CERTIFIED MAIL # 7009 1680 0001 1520 3379
RETURN RECEIPT REQUESTED

July 27, 2010

Anthony Ngurimu
8 Zora Street
Worcester, MA 01604

Re: Board of Registration in Nursing
Docket No. NUR-2009-0178
LN License No. 60197

Dear Mr. Ngurimu:

This letter acknowledges receipt by the Board of Registration in Nursing (Board) of two signed original copies of the Consent Agreement for Probation (Probation Agreement) between you and the Board in resolution of the above-referenced complaint. The Board has now signed both original copies of the Probation Agreement, one of which is enclosed for your records.

Also enclosed are the following two (2) required probation forms that each of your nursing supervisors must complete and submit to the Board in accordance with the terms of your probation: "Supervisor Verification Form" (Form 1) and "Supervision Report Form" (Form 2). Additional copies may be made of these blank forms as needed or can be obtained from the Board's website, www.mass.gov/dph/boards/rn, through the Complaint Resolution topic link.

Please note carefully that the effective date of the Probation Agreement is July 27, 2010, as is stated on the signature page of the Agreement. As of the effective date your nursing license is on probation and you must comply with all of the requirements of the Probation Agreement. It is your responsibility to ensure that the Board receives all required documentation and information by the due dates specified in the Probation Agreement. The Probation Agreement will remain in


Actual certified copy

effect until you fulfill all of its conditions *and* the Board gives you written confirmation that your license probation has ended.

In addition, Karen Fishman is responsible for monitoring compliance with any probation agreement that a nurse enters into with the Board. All correspondence and documentation in connection with your Probation Agreement should be directed to her at the Board's office listed above. You may also contact her at (617) 973-0951 with any questions regarding this matter.

Lastly, as your Agreement provides, if you are not presently employed in a nursing position, you must notify Ms. Fishman of this in writing within thirty (30) of the effective date of your probation. You will also need to remember that throughout your probationary period you must promptly notify Ms. Fishman in writing if you are not employed as a nurse or of any of the other status changes designated by the Agreement.

Sincerely,


Mary Stachan, Board Counsel
Board of Registration in Nursing

Enclosures: Fully signed Consent Agreement, Form 1 and Form 2

MCS/tw

RECEIVED

JUL 27 2010

COMMONWEALTH OF MASSACHUSETTS

OFF. PUBLIC PROTECTION

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of
Anthony K. Ngurimu
LPN License No. 60197

Docket No. NUR20090178

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Nursing (Board) and Anthony K. Ngurimu (Licensee), a Licensed Practical Nurse (LPN) licensed by the Board, License No. 60197, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that a complaint has been filed with the Board against his Massachusetts LPN license (license¹) related to the conduct set forth in paragraph 2, identified as Docket No. NUR20090178.
2. The Licensee admits that while employed as a LPN at Elliot Healthcare in Natick, MA, he demonstrated poor medication administration practices when he removed a narcotic (Tylenol #3) for a patient to whom he was not assigned and failed to account for its whereabouts. In addition, the record shows that the Licensee removed narcotic more frequently than ordered, failed to document administration or destruction of those narcotics and entered illegible entries into patient records. The Licensee acknowledges that his conduct, as documented in Docket No. NUR20090178, constitutes failure to comply with the Boards Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03 (38), (39), (44), (47), and warrants disciplinary action by the Board under Massachusetts General Laws (G.L.) Chapter 112, section 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions.
3. The Licensee agrees that his nursing license shall be placed on PROBATION for no less than one (1) year (Probationary Period), commencing with the date on which the Board signs this Probation Agreement (Effective Date).
4. During the Probationary Period, the Licensee further agrees that he shall comply with all of the following requirements to the Board's satisfaction:

¹ The term "license" applies to both a current license and the right to renew an expired license.
Ngurimu, Anthony
NUR-2009-0178
LN60197

- a. Comply with all laws and regulations governing the practice of nursing, and not engage in any continued or further conduct and actions as he acknowledged above in Paragraph 2.
- b. Notify the Board in writing within **ten (10) days** of each change in his name and/or address
- c. **Timely renew his license to practice nursing.**
- d. Maintain active employment in a position that requires a nursing license in a setting where the Licensee receives consistent, on-site supervision by a qualified licensed nurse² for a minimum average of twenty (20) hours per week throughout the Probationary Period. The Licensee may not accept any home care, travel or temporary staffing assignment, or other practice assignment where consistent, on-site supervision is not in place.
 - i. Within 30 days of the Effective date, the Licensee shall notify the Board's Probation Monitor in writing if the Licensee is not employed in accordance with paragraph 4d.
- e. Review this Agreement with each of his nursing supervisors, and arrange for each nursing supervisor to submit directly to the Board:
 - i. a completed and signed "Supervisor verification Form" (Form 1), provided with this Agreement, within thirty (30) days of
 - (1) the Effective date *and*
 - (2) any subsequent employment commenced during the Probationary Period
 - ii. *quarterly* written reports³, using the "Supervision Report Form" (Form 2) provided with this Agreement, attesting to the quality of the Licensee's nursing practice, reliability, and attendance and specifically addressing medication administration and documentation, including any errors and incidents.⁴

² The Licensee must receive direct supervision from a licensed nurse who must have at least one (1) year of nursing practice experience, no open complaints, no past discipline of the nurse's license, and who is physically located at all times in each facility in which the Licensee practices nursing.

³ The Licensee is responsible for ensuring that these reports on the required form are received by the Board commencing ninety (90) days after the Effective Date and on the first day of every third month thereafter.

⁴ The Board may take action under paragraph 7 in the event that the reports reveal a practice issue which the Board deems significant.

- f. Notify the Board's Probation Monitor in writing within ten (10) days of any change in the Licensee's employment status, including each change in Employer, each resignation or termination, and the name, address, and telephone number of each new Employer.
- g. Submit documentation that the Licensee has successfully completed the following continuing education⁵ within sixty (60) days after the Effective Date
- i Six (6) contact hours of continuing education on the topic of Medication Administration and Documentation,
 - ii Three (3) contact hours of continuing education on the topic of Legal and Ethical Aspects of Nursing, and
 - iii The National Council of States Boards of Nursing (NCSBN) course on the Massachusetts Nurse Practice Act, found online at NCSBN's Learning Extension at <http://learningext.com>
5. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Agreement, it will not pursue further disciplinary action against his license in connection with Docket No. NUR20090178.
6. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Probation Agreement, the Probationary Period will terminate one year after the Effective Date of this Agreement upon written notice to the Licensee from the Board⁶.
7. If the Licensee does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint⁷ during the Probationary Period, the Licensee agrees to the following:
- a. The Board may, upon written notice to the Licensee, as warranted to protect the public health, safety or welfare:

⁵ These continuing education courses must be in addition to any contact hours required for license renewal. They may be taken as home study or as correspondence course, provided that they meet the requirements of Board Regulations at 244 CMR 5.00, Continuing Education.

⁶ In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

⁷ The term "Subsequent Complaint" applies to a complaint opened after the Effective Date which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

- i. EXTEND the Probationary Period; and/or
 - ii. MODIFY the Probation Agreement requirements; or
 - iii. IMMEDIATELY SUSPEND the Licensee's nursing license.
- b. If the Board suspends the Licensee's nursing license, pursuant to Paragraph 7 (a) (iii) above, the suspension shall remain in effect until:
- i. the Board gives the Licensee written notice that the Probationary Period is to be resumed and under what terms; or
 - ii. the Board and the Licensee sign a subsequent agreement; or
 - iii. the Board issues a written final decision and order following adjudication of the allegations (1) of noncompliance with this Agreement, and/or (2) contained in the Subsequent Complaint.
8. The Licensee understands and agrees that if the Board suspends his nursing license in accordance with Paragraph 7, above, he will immediately return his current Massachusetts license to practice as a Licensed Practical Nurse to the Board, by hand or certified mail. The Licensee further agrees that he will no longer be authorized to engage in the practice of nursing in the Commonwealth of Massachusetts and shall not in any way represent himself as a Licensed Practical Nurse until such time as the Board reinstates his nursing license.⁸
9. The Licensee understands that he has a right to formal adjudicatory hearing concerning the allegations against him and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee states that he understands that in executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.
10. The Licensee acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.

⁸ Any evidence of unlicensed practice or misrepresentation as a Licensed Practical Nurse after the Board has notified the Licensee of license suspension shall be grounds for further disciplinary action by the Board and the Board's referral of the matter to the appropriate law enforcement authorities for prosecution, as set forth in G.L. c. 112, §§ 65 and 80A.

11. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.
12. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal, or judicial review.

 Witness (sign and date)

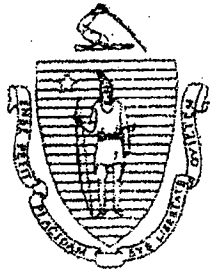
Anthony K. Ngurimu 6/24/10
 Anthony K. Ngurimu, LPN
 Licensee (sign and date)

 Witness (print name)

Rufa Harb
 Rufa Harb, MSN, RN
 Executive Director
 Board of Registration in Nursing

July 27, 2010
 Effective Date of Probation Agreement

Fully Signed Agreement Sent to Licensee on July 27, 2010 by Certified
 Mail No. 7009 1680 001 4520 3379



Commonwealth of Massachusetts
 Department of Public Health
 Division of Health Professions Licensure
Board of Registration in Nursing
 239 Causeway Street • Boston, Massachusetts 02114

**SUPERVISION REPORT FOR NURSES ON PROBATION
 WITH THE BOARD OF REGISTRATION IN NURSING**

(Please review the nurse's Probation Agreement or Order and complete this evaluation of the nurse's practice)

Nurse's Name: _____ Docket No.: _____

License Type and No.: _____ Expiration Date _____

Nurse's Job Title: _____

Employer Name and Address: _____

Time period covered by this supervision report (start and end date): _____

Rate the following and explain. Provide examples for any "needs improvement" rating.

Quality being rated	Needs Improvement	Meets	Exceeds	Comments (if needed use the back of this form or include on supervisor's signed cover letter on facility letterhead)
Organizes and plans work effectively	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Completes assignments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Works as a team member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Communicates effectively	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Seeks guidance and supervision appropriately	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Interacts with patients in a therapeutic manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Demonstrates problem solving ability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Manages stressful situations appropriately	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Makes timely and appropriate nursing assessments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Makes appropriate nursing interventions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Delegates nursing care activities appropriately	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Removes, handles, wastes, and accounts for the whereabouts of, medications appropriately	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Documents controlled substances and medication administrations accurately and completely	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Documents nursing care and interventions accurately and completely	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other practice skill(s) specified by Probation Agreement or Order	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

A true certified copy

**SUPERVISION REPORT FOR NURSES ON PROBATION WITH
THE BOARD OF REGISTRATION IN NURSING (continued)**

The nurse HAS HAS NOT (choose one) worked an average of at least twenty (20) hours per week during the time period covered by this report.

SUPERVISION

How frequently is the nurse supervised? _____

How is supervision provided? _____

Have there been any incidents involving the nurse requiring counseling, conference, oral/written warnings since last report? If yes, please explain and attach copies of all relevant documents.

How often are the nurse's patient records reviewed?

Does this nurse have any other nursing practice issues? Explain. _____

ADDITIONAL COMMENTS or APPROPRIATE

(If needed, please use the back of this form or include on supervisor's signed cover letter on facility letterhead)

Please call the Probation Monitor at (617)973-0951 to discuss any concerns or for clarification regarding the nurse's probation.

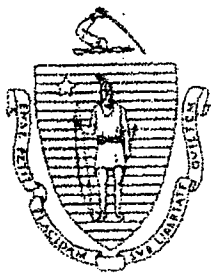
SUPERVISOR'S SIGNATURE: _____ DATE SIGNED _____

(Print/Type: Name and Title of Supervisor completing this form)

Supervisor's License Type and No.: _____ Supervisor Phone No.: _____

PLEASE NOTE CAREFULLY:

This completed form must be mailed *with* the supervisor's signed cover letter written on the facility's letterhead directly to: Probation Monitor
DPH - DHPL, Board of Registration in Nursing
239 Causeway Street, 2nd Floor
Boston, MA 02114



Commonwealth of Massachusetts
 Department of Public Health
 Division of Health Professions Licensure
Board of Registration in Nursing
 239 Causeway Street • Boston, Massachusetts 02114

**SUPERVISOR VERIFICATION, AND AGREEMENT TO
 MONITOR PRACTICE AND PROVIDE PERIODIC REPORTS
 TO THE BOARD OF REGISTRATION IN NURSING**

Name of Nurse on Probation _____
 License Type and No. _____ Docket No(s). _____
 Effective Date of the Probation Agreement or Order: _____
 Length of Probation (specified in Agreement or Order): _____
 Nurse's Date of Employment: _____
 Employer Name and Address: _____

I, _____ (print supervisor's full name) on _____ (insert date) reviewed a signed copy of the Probation Agreement (Agreement) or Order between _____ (insert nurse's name) and the Board of Registration in Nursing (Board). I hereby agree that I will monitor and evaluate this nurse's practice as specified in the Agreement or Order, and will provide written reports to the Board on the Supervision Report form provided by the Board at the intervals required by the Agreement or Order.

I also agree to promptly notify the Board's Probation Monitor if the nurse resigns or is terminated from employment.

I further certify that I am a RN / LPN (circle one), have completed at least one (1) year of clinical nursing practice, and that I do not have any open administrative or criminal complaint, or any prior license discipline by any Board of Nursing.

SUPERVISOR'S SIGNATURE _____ **Date:** _____

(Print/Type: Name and Title of Supervisor completing this form)

Supervisor's License Type and No.: _____ Supervisor Phone No.: _____

PLEASE NOTE CAREFULLY:

This completed form must be mailed *with* the supervisor's signed cover letter written on the facility's letterhead directly to: Probation Monitor
 DPH – DHPL, Board of Registration in Nursing
 239 Causeway Street, 2nd Floor
 Boston, MA 02114



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Anthony K. Ngurimu
Master Case No.: M2011-1103
Document: Statement of Charges

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of

ANTHONY K. NGURIMU
Credential No. LPN.LP.60123582

Respondent

No. M2011-1103

STATEMENT OF CHARGES

The Health Services Consultant of the Nursing Care Quality Assurance Commission (Commission), on designation by the Commission makes the allegations below, which are supported by the evidence contained in case number 2011-156765.

1. ALLEGED FACTS

1.1 Respondent was issued a credential to practice as a licensed practical nurse by the state of Washington on December 21, 2009. Respondent's credential is currently active.

1.2 On or about May 18, 2011, Respondent's credential to practice as a licensed practical nurse in the state of Massachusetts was indefinitely suspended by Massachusetts Board of Registration in Nursing for failure to comply with a Consent Agreement for Probation.

2. ALLEGED VIOLATIONS

2.1 Based on the facts in Section 1, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(5), which provides in part:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

...

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction.

...

2.2 The above violation provides grounds for imposing sanctions under RCW 18.130.160.

3. NOTICE TO RESPONDENT

The charges in this document affect the public health, safety and welfare. The Health Services Consultant of the Program directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

DATED August 2, 2011

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION

Mary Dale
MARY DALE
HEALTH SERVICES CONSULTANT

ROBERT M. MCKENNA
ATTORNEY GENERAL

CB
CASSANDRA BUNSELL WSBA # 40680
ASSISTANT ATTORNEY GENERAL



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Anthony K. Ngurimu
Master Case No.: M2011-1103
Document: Summary Action Order

Regarding your request for information about the above-named practitioner, attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of:

ANTHONY K. NGURIMU,
Credential No. LPN.LP.60123582,

Respondent.

Master Case No. M2011-1103

EX PARTE ORDER OF
SUMMARY ACTION

PRESIDING OFFICER: Margaret C. Holm, Health Law Judge

On August 2, 2011, this matter came before the Presiding Officer on delegation by the Nursing Care Quality Assurance Commission (Commission) on an Ex Parte Motion for Order of Summary Action (Ex Parte Motion) brought by the Nursing Program of the Department of Health (Department) through the Office of the Attorney General. The Department issued a Statement of Charges alleging Respondent violated RCW 18.130.180(5). The Presiding Officer, after reviewing the Statement of Charges, Ex Parte Motion and supporting evidence, grants the motion. CREDENTIAL SUSPENDED pending further action.

I. FINDINGS OF FACT

1.1 Respondent is a licensed practical nurse, credentialed by the state of Washington at all times applicable to this matter.

1.2 The Department issued a Statement of Charges alleging Respondent violated RCW 18.130.180(5). The Statement of Charges was accompanied by all other documents required by WAC 246-11-250.

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1.3 On or about May 18, 2011, the Massachusetts Board of Registration in Nursing (Massachusetts Board) indefinitely suspended Respondent's credential to practice as a licensed practical nurse. Massachusetts Board Notice of Suspension, Exhibit A, attached to the Declaration of Catherine Woodard. Respondent remains prohibited from practicing as a licensed practical nurse in Massachusetts.

1.4 The Massachusetts Board based its prohibition on a finding that Respondent failed to comply with a Consent Agreement for Probation. In the state of Washington, that conduct would violate RCW 18.130.180(9).

II. CONCLUSIONS OF LAW

2.1 The Commission (and by delegated authority, the Presiding Officer) has jurisdiction over Respondent's credential to practice as a licensed practical nurse. RCW 18.130.040.

2.2 The disciplining authority shall summarily suspend Respondent's credential when Respondent is prohibited from practicing a health care profession in another jurisdiction because of conduct that is substantially equivalent to unprofessional conduct prohibited under the Uniform Disciplinary Act. RCW 18.130.050(8) and RCW 18.130.370.

2.3 The act of failing to comply with a Consent Agreement for Probation in Massachusetts is substantially equivalent to unprofessional conduct prohibited by the Uniform Disciplinary Act, RCW 18.130.180 (9).

2.4 Finding of Fact 1.4 and Conclusion of Law 2.3 establish that the conduct on which the Massachusetts Board action was based is substantially equivalent to


unprofessional conduct in this state. For that reason, Respondent's credential must be summarily suspended.

III. ORDER

3.1 Based on the Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's credential to practice as a licensed practical nurse is SUMMARILY SUSPENDED pending further disciplinary proceedings by the Commission. Respondent shall immediately deliver all credential(s), including wall, display, and/or wallet, if any, to the Department.

3.2 It is HEREBY ORDERED that a protective order in this case is GRANTED. All healthcare information and non-conviction data contained in the Ex Parte Motion, Declaration, and attached exhibits shall not be released except as provided in Chapter 70.02 RCW and Chapter 10.97 RCW. RCW 34.05.446(1), WAC246-11-400(2), and (5).

Dated this 3 day of August, 2011.


MARGARET C. HOLM, Health Law Judge
Presiding Officer

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