

Respondent's vocational nursing employment history continued:

6/00 to 7/01	LVN Manor Care Healthcare & Rehabilitation Dallas, Texas
7/01 to 3/04	LVN Williamsburg Village Healthcare Campus Dallas, Texas
3/26/04 to Present	LVN, Field Nurse Human Touch Home Health Dallas, Texas
2/05 to Present	LVN, Field Nurse VCP Home Health Irving, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a LVN Field Nurse with Human Touch Home Health, Dallas, Texas, and had been in this position for eleven (11) months.
7. On or about February 23, 2005, while employed as a LVN Field Nurse with Human Touch Home Health, Inc., Dallas, Texas, Respondent documented contradictory information in nursing note entries regarding the status of Patient JD, as follows:

Nursing Clinical Note, documented by Respondent for patient care provided between 1030 and 1130, reflects that:

- No medications were changed since the patient's last physician visit;
- No physician was contacted during the visit;
- No new problems were identified; and
- There was no indication that the patient was complaining of drowsiness, even though Respondent documented that she completed an assessment of the patient's vital signs and overall body systems.

Patient Communication Notes, documented by Respondent, reflect that:

- At 1040, the patient complained of drowsiness and having lightheadedness that was possibly associated with having taken samples of Tramadol, a new medication provided on a trial basis by her physician, and that the physician would be notified by the home health agency regarding the change in the patient's status; and
- At 11:40, Respondent notified the patient of a new physician's order that had been received which discontinued the Tramadol.

Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the patient in that subsequent caregivers would not have accurate information on which to base their decisions regarding further care to the patient.

8. On or about February 25, 2005, through March 25, 2005, while employed as a LVN Field Nurse with Human Touch Home Health, Inc., Dallas, Texas, Respondent failed to accurately and completely assess Patient JD and falsely documented skilled nurse visits for Patient JD in that Respondent submitted photocopied assessment information from earlier notes of body systems with only very minor changes. In addition, Respondent photocopied the narrative nursing notes for several visits, including the patient signature on those notes, instead of obtaining an original patient signature at the time of each visit, as required. Respondent's conduct resulted in inaccurate medical records and was likely to injure the patient in that the assessments may not have reflected the patient's current medical status. Additionally, subsequent caregivers would have relied on her documentation while providing further care to the patient.
9. On or about March 1, 2005, through March 26, 2005, while employed as a LVN Field Nurse with Human Touch Home Health, Inc., Dallas, Texas, Respondent failed to accurately and completely assess Patient LJ and falsely documented skilled nurse visits for Patient LJ in that Respondent submitted photocopied assessment information from earlier notes of body systems with only very minor changes. In addition, Respondent photocopied the narrative nursing notes for several visits, including the patient signature on those notes, instead of obtaining an original patient signature at the time of each visit, as required. Respondent copied different nursing notes depending on the insulin injection site. Respondent's conduct resulted in inaccurate medical records and was likely to injure the patient in that the assessment may not have reflected the patient's current medical status. Additionally, subsequent caregivers would have relied on her documentation while providing further care to the patient.
10. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the patient did not report the lightheadedness or use of Tramadol until asked to sign the nurse's note. Respondent states she recorded this in the nurse's note and informed the Director of Nursing at the agency. The staff at the agency contacted the physician, received new orders to stop Tramadol, and then Respondent called the patient to inform her of the new order. In response to the incidents in Finding of Fact Numbers Eight (8) and Nine (9), Respondent admits that the notes were similar, but states these were her observations, and that each note had an original patient signature.
11. The Board finds that there was no documentation in the nursing assessment note from the home visit on February 23, 2005, from 10:30 a.m. until 11:30 a.m. of the patient being on Tramadol, or of the physician or the agency being contacted. Respondent did document that information on a progress note with the times 10:40 a.m. and 11:40 a.m.
12. Charges were filed on January 29, 2007.
13. Charges were mailed to Respondent on February 6, 2007, via certified mail, and again on March 1, 2007, via first class mail to Respondent's address of record.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(D)&(2)(A) and 217.12(1)(A),(1)(C),(4)&(6)(A).
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 171044, heretofore issued to MCJISOLA TAWA AWOLARU, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 vocational nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to MOJISOLA TAWA AWOLARU, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. 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, and documentation of care. 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.bne.state.tx.us/about/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who

provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.bne.state.tx.us/about/stipscourses.html>.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.bne.state.tx.us/about/stipscourses.html>.*

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bne.state.tx.us/about/stipscourses.html>.*

(6) RESPONDENT SHALL pay a monetary fine in the amount of three thousand dollars (\$3,000.00). RESPONDENT SHALL pay this fine within two hundred twenty-five (225) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A VOCATIONAL 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 ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(7) 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.

(8) 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.

(9) 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.

(10) 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 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) months for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

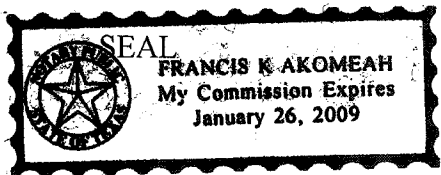
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. 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 license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9th day of May, 2007.

Mojisola Tawa Awolaru
MOJISOLA TAWA AWOLARU, Respondent

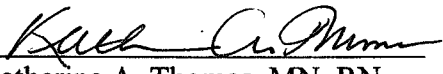
Sworn to and subscribed before me this 9th day of May, 2007.



Francis K. Akomeah
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 9th day of May, 2007, by MOJISOLA TAWA AWOLARU, Vocational Nurse License Number 171044, and said Order is final.

Effective this 12th day of June, 2007.


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