



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

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In the Matter of § AGREED  
Registered Nurse License Number 553714 §  
issued to HANNAH UZOMA OGBONNAYA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of HANNAH UZOMA OGBONNAYA, Registered Nurse License Number 553714, 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)(1) and (10) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, 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(s).
2. Respondent waived representation by counsel, 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.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Oklahoma, Norman, Oklahoma, on May 1, 1989. Respondent was licensed to practice professional nursing in the State of Texas on August 25, 1989.

5. Respondent's professional nursing employment history includes:

08/1989 - 1994	RN	Presbyterian Hospital Plano, Texas
1994 - 1995	RN	Home Health Care Services Dallas, Texas
1997 - 1997	RN	Vitas Hospice Dallas, Texas
1997 - 1998	RN	Hospice of Northern Virginia Falls Church, VA
1998 - 2001	RN	Health South Rehab Hospital Plano, Texas
2001 - 2004	RN	Blue Cross/Blue Shield of Texas Richardson, Texas
2004 - 2005	RN	United Healthcare Plano, Texas
2005 - 2006	RN	Baylor University Medical Center Dallas, Texas
2006 - 2006	RN	Medical Center of Plano Plano, Texas
2006 - 2007	RN	Life Care Hospital/Home Care Network Dallas, Texas
2007 - 2008	Unknown	
2008 - 2009	RN	Care Quest Home Health Dallas, Texas
2009 - 10/2011	RN	Human Touch Home Health Dallas, Texas
11/2011 - present	RN	1 <sup>st</sup> Heritage Way Adult Day Care Center Dallas, Texas

6. On April 26, 2010, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the April 26, 2010, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On December 13, 2011, Respondent's license to practice professional nursing was Suspended, with the suspension stayed and Respondent was placed on Probation for a period of two (2) years. A copy of the December 13, 2011, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
8. On or about December 18, 2011, while employed with 1<sup>st</sup> Heritage Way Adult Day Care Center, Dallas, Texas, Respondent failed to comply with the Agreed Order issued to her on December 13, 2011, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Five (5) of the Agreed Order which states, in pertinent part:

(5) ...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. From December 2011, through March 2012, while employed with 1<sup>st</sup> Heritage Way Adult Day Care Center, Dallas, Texas, Respondent failed to comply with the Agreed Order issued to her on December 13, 2011, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Thirteen (13) of the Agreed Order which states, in pertinent part:

(13) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol....
10. In response to Findings of Fact Numbers Eight (8) and Nine (9), Respondent states that she did not receive the final Order and when she did, she immediately met with her employer and completed the notification of employment form and contacted the drug testing company.
11. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### 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 and 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1) and (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 553714, heretofore issued to HANNAH UZOMA OGBONNAYA, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 553714, previously issued to HANNAH UZOMA OGBONNAYA, to practice nursing in Texas is hereby SUSPENDED with the suspension STAYED and Respondent is hereby placed on PROBATION with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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.

(1) 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.

(2) The Agreed Order issued to RESPONDENT on December 13, 2011, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order.

(3) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty dollars (\$750.00). 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.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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

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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 violation(s) 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5<sup>th</sup> day of December, 2012.

Hannah Uzoma Ogbonnaya  
HANNAH UZOMA OGBONNAYA, Respondent

Sworn to and subscribed before me this 5 day of December, 2012.


SEAL



Brad Lambert  
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5th day of December, 2012, by HANNAH UZOMA OGBONNAYA, Registered Nurse License Number 553714, , and said Order is final.

Effective this 17th day of January, 2013.



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 553714	§	
issued to HANNAH UZOMA OGBONNAYA	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of HANNAH UZOMA OGBONNAYA, Registered Nurse License Number 553714, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1),(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on October 18, 2011, by Katherine A. Thomas, MN, RN, FAAN, 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(s).
2. Respondent waived representation by counsel, 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.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Oklahoma, Norman, Oklahoma, on May 1, 1989. Respondent was licensed to practice professional nursing in the State of Texas on August 25, 1989.



5. Respondent's professional nursing employment history includes:

08/1989 - 1994	RN	Presbyterian Hospital Plano, Texas
1994 - 1995	RN	Home Health Care Services Dallas, Texas
1997 - 1997	RN	Vitas Hospice Dallas, Texas
1997 - 1998	RN	Hospice of Northern Virginia Falls Church, VA
1998 - 2001	RN	Health South Rehab Hospital Plano, Texas
2001 - 2004	RN	Blue Cross/Blue Shield of Texas Richardson, Texas
2004 - 2005	RN	United Healthcare Plano, Texas
2005 - 2006	RN	Baylor University Medical Center Dallas, Texas
2006 - 2006	RN	Medical Center of Plano Plano, Texas
2006 - 2007	RN	Life Care Hospital/Home Care Network Dallas, Texas
2007 - 2008	Employment history unknown.	
2008 - 2009	RN	Care Quest Home Health Dallas, Texas
2009 - Present	RN	Human Touch Home Health Dallas, Texas

6. On April 26, 2010, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate and successfully complete the Texas Peer Assistance

Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and April 26, 2010 Agreed Order is attached and incorporated, by reference, as part of this Order.

7. On or about August 24, 2011, while employed as a Registered Nurse with Optima Home Health Services, Garland, Texas, Respondent engaged in the intemperate use of Alcohol, in that she produced a specimen for a random drug screen requested by the Texas Peer Assistance Program for Nurses (TPAPN), which resulted positive for Ethyl Glucuronide and Ethyl Sulfate. The use of Alcohol by a Registered Nurse, while subject to call or duty, 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.
8. On or about August 24, 2011, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on April 26, 2010. Non-compliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract. Stipulation number three (3) of the Order dated April 26, 2010, states:

"(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term...."

Subsequently, the Respondent was dismissed from the TPAPN program on September 8, 2011.

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states: "On August 24, 2011, I was sick with flu like symptoms. I stayed home from work and took Nyquil and rested. Then, I found out I had to drug test that day, which resulted in a positive test for a trace of Alcohol. I realized too late that I made a mistake. Now, I read all of the labels before ingesting anything."

#### 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 a violation of Section 301.452(b)(1),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4),(5),(9),(10)(A) &(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 553714, heretofore issued to HANNAH UZOMA OGBONNAYA, including revocation of

Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Nurse License Number 553714, previously issued to HANNAH UZOMA OGBONNAYA, to practice nursing in Texas is hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this order the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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.

(1) 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.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable

conditions outlined herein.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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) 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>

**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 PROBATION CONDITIONS FOR**

TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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 REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). 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.

(5) 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.

(6) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(7) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as 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.

(8) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(9) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(10) RESPONDENT SHALL NOT administer or have any contact with controlled

substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(11) 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 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 two (2) years of employment as a nurse.

(12) 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.**

(13) 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. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are 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 probation 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 probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.



(14) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9th day of November, 2011.

Hannah Uzoma Ogbonnaya  
HANNAH UZOMA OGBONNAYA, Respondent

Sworn to and subscribed before me this 9th day of November, 2011.



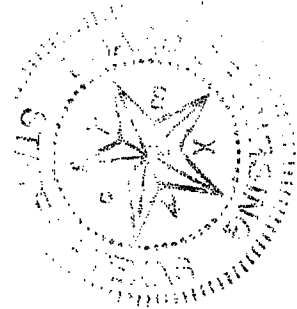
Chase Evan Harding  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9<sup>th</sup> day of November, 2011, by HANNAH UZOMA OGBONNAYA, Registered Nurse License Number 553714, and said Order is final.

Effective this 13<sup>th</sup> day of December, 2011.



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



BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse § AGREED  
License Number 553714 §  
issued to HANNAH UZOMA OGBONNAYA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of HANNAH UZOMA OGBONNAYA, Registered Nurse License Number 553714, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 3, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

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 representation by counsel, 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.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Oklahoma, Norman, Oklahoma, on May 1, 1989. Respondent was licensed to practice professional nursing in the State of Texas on August 25, 1989.
5. Respondent's professional nursing employment history includes:
 

08/1989 - 1994	RN	Presbyterian Hospital Plano, Texas
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Respondent's professional nursing employment history continued;

1994 - 1995	RN	Home Health Care Services Dallas, Texas
1997 - 1997	RN	Vitas Hospice Dallas, Texas
1997 - 1998	RN	Hospice of Northern Virginia Falls Church, VA
1998 - 2001	RN	Health South Rehab Hospital Plano, Texas
2001 - 2004	RN	Blue Cross/Blue Shield of Texas Richardson, Texas
2004 - 2005	RN	United Healthcare Plano, Texas
2005 - 2006	RN	Baylor University Medical Center Dallas, Texas
2006 - 2006	RN	Medical Center of Plano Plano, Texas
2006 - 2007	RN	Life Care Hospital/Home Care Network Dallas, Texas
2007 - 2008	Employment history unknown.	
2008 - 2009	RN	Care Quest Home Health Dallas, Texas
2009 - Present	RN	Human Touch Home Health Dallas, Texas

6. At the time of the incidents in Findings of Fact Number Seven (7) and Eight (8), Respondent was employed as a Registered Nurse with Life Care Hospital/Home Health, Dallas, Texas.
7. On or about August 11, 2007, Respondent was arrested by the Greenville, Police Department, Greenville, Texas, for the offense of DRIVING WHILE LICENSE INVALID (a Misdemeanor).

8. On or about August 24, 2007, Respondent was arrested by the Richardson Police Department, Richardson, Texas, for the offense of DRIVING WHILE INTOXICATED (a Class B Misdemeanor).
9. On or about February 22, 2008, Respondent was arrested by the Plano Police Department, Plano, Texas, for the offense of DRIVING WHILE INTOXICATED (a Misdemeanor).
10. On or about March 17, 2008, Respondent was arrested by the Plano Police Department, Plano, Texas, for the offense of DRIVING WHILE INTOXICATED (a Misdemeanor).
11. On or about January 23, 2009, Respondent was arrested by the Plano Police Department, Plano, Texas, for the offense of DRIVING WHILE INTOXICATED (a Misdemeanor).
12. On or about April 25, 2009, Respondent arrested by the Plano Police Department, Plano, Texas, for the offense of DRIVING WHILE INTOXICATED (a Misdemeanor).
13. On or about June 1, 2009, while employed as a Registered Nurse with Supplemental Health Care, Dallas, Texas, and on assignment with Denton State School, Denton, Texas, Respondent lacked fitness to practice professional nursing, in that while on duty she was observed to be stumbling, had slurred speech, was moving her head from side to side and opening and closing her eyes strangely. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.
14. On or about June 1, 2009, while employed as a Registered Nurse with Supplemental Health Care, Dallas, Texas, and on assignment with Denton State School, Denton, Texas, Respondent engaged in the intemperate use of Alcohol, in that she admitted that she had ingested Alcohol. The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
15. In response to Findings of Fact Numbers Seven (7) through Fourteen (14), Respondent states: "I was diagnosed with tension headaches and prescribed a medication called Esgic (Acetaminophen, Butalbital, and Caffeine) to treat my condition. This medication is also known as Fioricet. I was taking this because it was the only medication that stopped my headache, and out of fear of suffering from my tension headache, I'll take Esgic. Since being on this medication for over three years, many unpleasant events have occurred, which I am very ashamed of and do apologize to everyone. The DUI incidents and the event that occurred at Denton State School were results of the medication. I did not drink alcohol that or any other day. The statement that I made about having a glass of wine with my lunch was

a joke. I now realize it was a very bad joke. Alcohol was not involved in any of the incidents. After years of suffering with tension headaches I was finally glad to find something that worked, and as a result, I may have developed a dependency on the medication. Like I told the judge, the events occurred several times because I will take a pain pill then one of my kids will need something. Being the only driver in the house, most of the time I will try to go out and get what they need for school or the grocery store. I am no longer taking Esgic, also I plan to join a support group to learn how to never take that medication again. The side effect to me is not worth the cure."

16. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
17. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due chemical dependency.
18. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Fourteen (14) was significantly influenced by Respondent's dependency on chemicals.
19. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(9),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11 (1)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(B),(E),(4),(5),(10)(A)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 553714, heretofore issued to HANNAH UZOMA OGBONNAYA, including revocation of Respondent's license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of the offense as outlined in Findings of Fact Numbers Seven (7) through Twelve (12), said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice vocational nursing in the State of Texas.



IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 privileges, if any, to practice nursing in the State of Texas.

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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or revocation of Respondent's license and 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

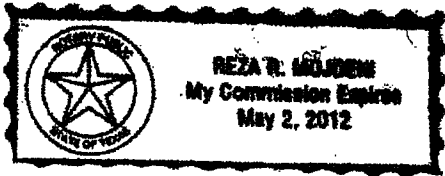
Signed this 16 day of April, 2010.

Hannah Uzoma Ogbonnaya  
HANNAH UZOMA OGBONNAYA, Respondent

Sworn to and subscribed before me this 16 day of April, 2010.


SEAL

Reza R. Mojdehi  
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 accept and enter the Agreed Order that was signed on the 16th day of April, 2010, by HANNAH UZOMA OGBONNAYA, Registered Nurse License Number 553714, and said Order is final.

Entered and effective this 26<sup>th</sup> day of April, 2010.

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

