

IN THE MATTER OF PERMANENT §  
REGISTERED NURSE LICENSE §  
NUMBER 646765 ISSUED TO §  
ABDIRIZACK ABDILLAHI ISMAEL §

BEFORE THE TEXAS  
BOARD OF NURSING  
ELIGIBILITY AND  
DISCIPLINARY COMMITTEE



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 A. Parnham*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Abdirizack Abdillahi Ismael  
11025 Vista Del Sol #2226  
El Paso, TX 79935

During open meeting held in Austin, Texas, on **September 10, 2013**, the Texas Board of Nursing 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 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(s) to practice 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 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 Registered Nurse License Number 646765, previously issued to ABDIRIZACK ABDILLAHI ISMAEL, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this **10th day of September, 2013.**

TEXAS BOARD OF NURSING



BY:

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

Attachment: Formal Charge filed June 24, 2013.

CERTIFICATE OF SERVICE

I hereby certify that on the 11<sup>th</sup> day of September, 2013 \_\_\_\_, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Abdirizack Abdillahi Ismael  
11025 Vista Del Sol #2226  
El Paso, TX 79935

Via USPS First Class Mail

Abdirizack Abdillahi Ismael  
770 Cooper Farm Way  
Duluth, Georgia 30097



BY:

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

In the Matter of Permanent § BEFORE THE TEXAS  
Registered Nurse License §  
Number 646765 Issued to §  
ABDIRIZACK ABDILLAHI ISMAEL, §  
Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ABDIRIZACK ABDILLAHI ISMAEL, is a Registered Nurse holding License Number 646765, which is in delinquent 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 October 10, 2012, Respondent was issued a Public Consent Agreement for Reinstatement of Licensure from the Georgia Board of Nursing wherein Respondent's license to practice professional nursing, which had been administratively revoked due to expiration, was Reinstated with a Public Reprimand and terms and conditions due to Respondent's admission of diversion of narcotics prior to allowing his license to expire. A copy of the Public Consent Agreement for Reinstatement of Licensure issued by the Georgia Board of Nursing, dated October 10, 2012, is attached and incorporated by reference as 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](http://www.bon.texas.gov).

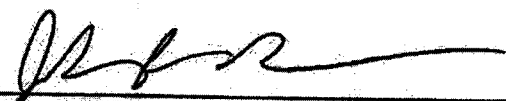
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

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](http://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 Order(s) which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Public Consent Agreement for Reinstatement of Licensure issued by the Georgia Board of Nursing, dated October 10, 2012.

Filed this 24 day of June, 2013.

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  
John R. Griffith, Assistant General Counsel  
State Bar No. 24079751  
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) 305-6811  
F: (512) 305-8101 or (512)305-7401

Attachments: Public Consent Agreement for Reinstatement of Licensure issued by the Georgia Board of Nursing, dated October 10, 2012.

D/2012.06.19

BEFORE THE GEORGIA BOARD OF NURSING

IN THE MATTER OF: )  
)  
)  
ABDIRIZACK ABDILLAHI ISMAEL, )  
)  
License Number RN159566, )  
)  
Applicant. )

PROFESSIONAL LICENSING BOARDS  
OCT 12 2012  
DOCKET NUMBER  
2012-1944

DOCKET NO.

**PUBLIC CONSENT AGREEMENT FOR REINSTATEMENT OF LICENSURE**

The Georgia Board of Nursing (hereinafter "Board") has considered the application of ABDIRIZACK ABDILLAHI ISMAEL (hereinafter "Applicant") for reinstatement of his licensure to practice as a registered professional nurse in the State of Georgia pursuant to O.C.G.A. § 43-1-19 and the Georgia Registered Professional Nurse Practice Act ("Act"), O.C.G.A. §§ 43-26-1 through 43-26-13. In conjunction therewith, the Board hereby enters its Findings of Fact and Conclusions of Law as follows:

**FINDINGS OF FACT**

1.

On or about January 31, 2010, Applicant's license to practice as a registered professional nurse in the State of Georgia expired. Applicant failed to renew his license prior to expiration and said license was therefore administratively revoked by operation of law pursuant to O.C.G.A. § 43-26-9.

2.

Prior the expiration of Applicant's license, on or about July 25, 2009, the Board received information that Applicant had diverted narcotics from patients for his own personal use. Specifically, Applicant admitted to keeping narcotics instead of wasting them as instructed.

3.

Applicant's license lapsed prior to the Board investigating and acting upon this information.

4.

On or about May 30, 2012, Applicant applied for the reinstatement of his licensure to practice nursing as a registered professional nurse in the State of Georgia.

5.

Applicant admits to the above-styled Findings of Fact and waives any further findings of fact not already contained in this Agreement.

#### **CONCLUSIONS OF LAW**

Applicant's conduct and the above Findings of Fact constitute sufficient grounds for denial of Applicant's application for reinstatement of her licensure to practice nursing as a registered professional nurse in the State of Georgia, under O.C.G.A. Title 43, Chapter 26 and § 43-1-19.

#### **ORDER**

The Board, having considered all of the facts and circumstances surrounding this case, hereby **ORDERS**, and Applicant hereby **AGREES**, that this matter shall be disposed of as follows:

1.

Upon docketing of this Consent Agreement, Applicant's license to practice as a registered professional nurse shall be **REINSTATED**, subject to the following terms and conditions:

(a) Applicant shall submit to the Board a fine for the above-identified diversion of narcotics in the amount of five hundred dollars (\$500.00), in the form of a cashier's check or money order, made payable to the Georgia Board of Nursing, within ninety (90) days of the effective date of this Agreement. Said fine shall be sent to the Professional Licensing Boards Division, Georgia Board of Nursing, 237 Coliseum Drive, Macon, Georgia 31217-3858. Failure to pay such fine within the specified time shall be deemed a violation of this Agreement.

(b) If Applicant fails to abide by all State laws regulating the practice of nursing in the State of Georgia, the Rules and Regulations of the Georgia Board of Nursing, or the terms of this Consent Agreement, Applicant's license may be further sanctioned or revoked, upon substantiation thereof. Summary suspension of Applicant's license, pending any such proceeding, may be ordered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), or any other statute authorizing such emergency action.

2.

This Consent Order and the dissemination thereof shall constitute a **PUBLIC** reprimand to the Respondent for Respond's conduct.

3.

Approval of this Consent Agreement by the Board shall in no way be construed as condoning Applicant's conduct, and shall not be construed as a waiver of any lawful rights possessed by the Board.

4.

Applicant has read this Consent Agreement and understands its contents and

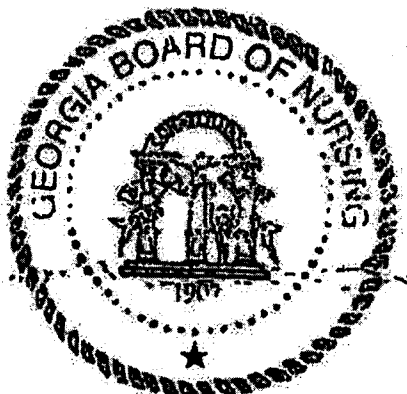


implications. Applicant understands that she has a right to a hearing in this matter and freely, knowingly, and voluntarily waives that right by signing this Consent Agreement. Applicant understands that this Consent Agreement will not become effective until approved by the Board, signed by the Division Director, and docketed by Legal Services. Applicant further understands and agrees that a representative of the Legal Services Section of the Professional Licensing Boards Division may be present during the presentation of this Consent Agreement and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Agreement. Applicant understands that this Consent Agreement, once approved and docketed, shall constitute a private record, evidencing disciplinary action by the Board. However, if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Applicant hereby consents to the terms and sanctions contained herein.

**\*\*\*\*\*SIGNATURES ON FOLLOWING PAGE\*\*\*\*\***

Approved by the Board this 10<sup>th</sup> day of October 2012.

**GEORGIA BOARD OF NURSING**



BY: Barry Cranfill  
**BARRY CRANFILL, RN, CRNA**  
President, Georgia Board of Nursing

James Clyburn with express permission by  
Executive Director

ATTEST: Lisa W. Durden  
**LISA W. DURDEN**  
Division Director,  
Professional Licensing Boards Division

CONSENTED TO: A. Ismael 10/3/12  
**ABDIRIZACK ABDILLAHI ISMAEL**  
Applicant

As to the signature of Abdirizack Abdillahi Ismael:

Sworn to and subscribed before me  
this 3<sup>rd</sup> day of October, 2012.

Elizabeth N. Costley  
**NOTARY PUBLIC**  
My commission expires: August 20, 2016

**ELIZABETH N COSTLEY**  
**NOTARY PUBLIC**  
**Gwinnett County**  
**State of Georgia**  
Comm. Expires Aug. 20, 2016

Prepared by  
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