



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.
Michelle Johnson
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 880632 §
issued to OGECHI PATIENCE IZUKA § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that OGECHI PATIENCE IZUKA, Registered Nurse License Number 880632, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on Tuesday, July 11, 2017, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Bobbie Young, RN, JD, Attorney at Law.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing in Nigeria on November 1, 2000. Respondent was licensed to practice professional nursing in the State of Texas on June 18, 2015.
5. Respondent's nursing employment history includes:
11/2000 - 10/2002 Unknown

Respondent's nursing employment history continued:

11/2002 - 08/2005	Registered Nurse	Samora Hospital Rivers, Nigeria
09/2005 - 08/2006	Registered Nurse	Fountain Clinic Rivers, Nigeria
08/2006 - 09/2010	Registered Nurse	Noble-Way Medicine and Store Rivers, Nigeria
09/2006 - 09/2010	Registered Nurse	Lonords Specialist Hospital Rivers, Nigeria
10/2010 - 04/2011	Registered Nurse	Gybeye Hospital and Maternity Rivers, Nigeria
05/2011 - 05/2011	Unknown	
06/2011 - 12/2011	Registered Nurse	Uwemedimo Hospital Lagos, Nigeria
01/2012 - 06/2015	Unknown	
07/2015 - 06/2016	Staff Nurse	West Houston Medical Center Houston, Texas
01/2016 - 08/2016	Home Health Nurse	Epic Healthcare Services Houston, Texas
04/2016 - Present	Registered Nurse	Oakbend Medical Center Houston, Texas
10/2016 - Present	Registered Nurse	Alexis Home Health Houston, Texas
10/2016 - Present	Registered Nurse	Pediatric Home Health Houston, Texas
04/2017 - 05/2017	Home Health Nurse	Healing Hands Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with West Houston Medical Center, Houston, Texas, and had been in that position for ten (10) months.
7. On or about May 23, 2016, while employed as a Staff Nurse with West Houston Medical Center, Houston, Texas, Respondent failed to provide care for Patient Number 782549 after receiving and accepting report, leaving the patient unattended for the remainder of the twelve (12) hour shift. Respondent's conduct unnecessarily exposed the patient to risk of harm from undetected complications and resulted in the patient not receiving the appropriate, required medical care.
8. On or about August 28, 2016, while employed as a Home Health Nurse with Epic Health Services, Houston, Texas, Respondent lacked fitness to practice nursing in that Respondent was sleeping while providing private duty nursing care to Patient LS, who was running a fever and was on hospice care. Respondent's conduct was likely to injure the patient in that it adversely affected her ability to recognize subtle signs, symptoms or changes in the patient's conditions, and thus prevent complications.
9. In response to the incident in Finding of Fact Number Seven (7), Respondent states that on said night, it was very busy night, and the other four (4) assigned patients were unstable and required increased care. Respondent states that she completed a physical assessment on the patient, which was within normal limits, and a pain assessment, in which the patient denied pain. Respondent states that at approximately 2100, when she was about to document the said patient's assessments, she noted that his name had been removed from the computer. Respondent states that it was her belief that the charge nurse had obtained the discharge order from the physician, discharged the patient, and removed him from the computer system. Respondent states that because she firmly believed that the patient was gone from the unit, it did not occur to her to go back to his room. Respondent states that at approximately 0630 the next morning, the oncoming nurse from the day shift was assigned the same said patient. Respondent states that at this point, she realized that the patient had not been discharged but was still in his room. Respondent states that she immediately went to the patient's room and apologized for not seeing him again throughout the shift. Respondent states that she reported her mistake to the morning charge nurse and director of nursing. Respondent states that this was an unusual incident and accepts full responsibility.

In response to the incident in Finding of Fact Number Eight (8), Respondent states that she does not recall sleeping during her shift on or about August 28, 2016, while employed as a Home Health Nurse with Epic Health Services. However, Respondent states that only after she was shown a picture of her that night, she knew that she must have unknowingly dozed off. Respondent states that the patient's mother submitted this picture to the agency. Respondent states that if she had been given the opportunity to re-write her statement by the agency, she would have included her admission of apparently falling asleep during her shift. Respondent states that she went to care for her father that morning, which caused her to lose rest. Respondent states that although she felt well-rested at the time of her shift, she now

believes that if she had gotten more rest, perhaps this incident would not have occurred.

10. On or about May 23, 2017, Respondent successfully completed a Board-approved course in nursing documentation, which would have been a requirement of this Order.
11. On or about May 27, 2017, Respondent successfully completed a Board-approved course in Texas nursing jurisprudence and ethics, which would have been a requirement of this Order.

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 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(M),(1)(T)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 880632, heretofore issued to OGECHI PATIENCE IZUKA.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse

licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

The course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form

or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

- D. Nursing Performance Evaluations:** 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

IV. RESTORATION OF UNENCUMBERED LICENSE(S)

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 may 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 have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9 day of August, 2017.

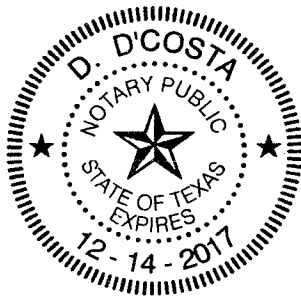
[Signature]
OGECHI PATIENCE IZUKA, Respondent

Sworn to and subscribed before me this 9th day of August, 2017.

SEAL

[Signature]

Notary Public in and for the State of Texas



Approved as to form and substance.

[Signature]
Bobbie Young, Attorney for Respondent

Signed this 9th day of August, 2017.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9th day of August, 2017, by OGECHI PATIENCE IZUKA, Registered Nurse License Number 880632, and said Order is final.

Effective this 12th day of September, 2017.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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