



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

In the Matter of	§	AGREED ORDER
Vocational Nurse License Number 207682	§	FOR
issued to OUDNEY CHUKUNALU OTOBO	§	DEFERRED DISCIPLINE
	§	KSTAR PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, cc the matter of OUDNEY CHUKUNALU OTOBO, Vocational Nurse License Number 207682, 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)(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order for Deferred Discipline & KSTAR Program approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 3, 2019.

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 Agreed Order for Deferred Discipline & KSTAR Program.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Haiti, on July 30, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on December 21, 2006.

5. Respondent's nursing employment history includes:

12/2006 - 2010	Licensed Vocational Nurse	Katyville Nursing Home Katy, Texas
2008 - 2010	Licensed Vocational Nurse	Katy Rehabilitation Hospital Katy, Texas
6/2010 – 10/2015	Licensed Vocational Nurse	Legend Oaks Healthcare and Rehabilitation Katy, Texas
8/2015 - 2017	Licensed Vocational Nurse	Grace Care Center at Northpointe Tomball, Texas
2/2017 – 11/2018	Licensed Vocational Nurse	The Heights of Tomball Tomball, Texas
12/2018 - Present	Licensed Vocational Nurse	Grace Care Center at Northpointe Tomball, Texas

6. At the time of the initial incident, Respondent was employed Licensed Vocational Nurse with The Heights of Tomball, Tomball, Texas, and had been in that position for one (1) year and nine (9) months.
7. On or about November 6, 2018, while employed as a Licensed Vocational Nurse at The Heights of Tomball, Tomball, Texas, Respondent failed to verify physician orders and document such verification for the re-admission of Resident K.S. prior to the entry of the orders into the facility's electronic medical record. Instead, Respondent elicited the assistance of a fellow nurse to enter physician orders and said nurse inaccurately entered outdated physician orders for the re-admission of Resident K.S., which included the entry of a contraindicated medication, Plavix, that had been discontinued by the resident's physician. Respondent failed to realize the error when reviewing the discharge medication list that the resident's wife later brought to the Respondent. Subsequently, Resident K.S. received the medication for five (5) days, and was thereafter transferred to the hospital for altered mental status and diagnosed with an enlarged subdural hematoma. Respondent's conduct could have contributed to an injury of Resident K.S.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that he and another nurse worked as a team. Respondent states that team nursing had been encouraged by administrators and Respondent had participated many times. Respondent states that he and the other nurse agreed on the division of work – Respondent completed the assessment part of the admission while the other nurse completed the medication part of the admission by entering the patient's medications in the computer from a document she had been given. Respondent states that the medication in question, Plavix, had been

entered into the computer by the other nurse. Respondent states that all charts are supposed to be checked for accuracy or orders and entries in the medication administration system. Respondent states that either the Director of Nursing or the Assistant Director of Nursing had that responsibility. Respondent states that one or both of them apparently failed to do that check. Respondent states that he never administered the medication and he did not enter the medication into the computer. Respondent states that he did not document and complete the Plan of Care. Respondent states that the admission was done by Team Nursing and he appropriately completed the admission assessment. Respondent states that he created and confirmed three orders, while the other nurse created and confirmed many more orders, not only for all other numerous medications, including Plavix, but also treatments and care orders.

9. On or about April 15, 2019, 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)(D),(1)(M)&(1)(P).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 207682, heretofore issued to OUDNEY CHUKUNALU OTOBO.
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, DEFERRED**, 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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order for Deferred Discipline & KSTAR Program.

Further, RESPONDENT SHALL not commit any violation of 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.* **for a period of three (3) years from the date of this Order.**

III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PROGRAM

IT IS AGREED and ORDERED that RESPONDENT SHALL, **within one (1) year of the effective date of this Order**, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Program and RESPONDENT SHALL:

- A. **Within forty-five (45) days** following the effective date of this Order, apply to and enroll in the KSTAR Program, including payment of any fees and costs, unless otherwise agreed in writing;

- B. Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;
- C. Follow all requirements within the remediation plan, if any; and
- D. Provide written documentation of successful completion of the KSTAR Program to the attention of Monitoring at the Board's office.

IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

V. EFFECT OF DEFERRED DISCIPLINE

Upon successful completion of the stipulated requirements of this Agreed Order for Deferred Discipline & KSTAR Program, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

Upon the successful completion of the required three (3) year period of deferral, the complaint or complaints which formed the basis for this action will be dismissed and this Order will be made confidential to the same extent as a complaint filed under Section 301.466, Texas Occupations Code.

Until such time that this Order is made confidential, this Order is subject to disclosure in accordance with applicable law.

Should an additional allegation, complaint, accusation, or petition be reported or filed against RESPONDENT prior to the time this Order is made confidential, the deferral period shall be extended until the allegation, accusation, or petition has been finally acted upon by the Board.

Should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action.

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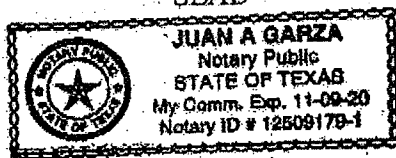
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1st day of August, 2019.

oudney Chukunalu OTOBO
OUDNEY CHUKUNALU OTOBO, Respondent

Sworn to and subscribed before me this 1st day of August, 2019.



[Signature]
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Nancy Roper-Willson
Nancy Roper-Willson, Attorney for Respondent

Signed this 1st day of August, 2019.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for Deferred Discipline & KSTAR Program that was signed on the 1st day of August, 2019, by OUDNEY CHUKUNALU OTOBO, Vocational Nurse License Number 207682, and said Agreed Order for Deferred Discipline & KSTAR Program is final.

Effective this 10th day of September, 2019.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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