



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.
William O. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 739767	§	
& Vocational Nurse License Number 188791	§	
issued to SIKIRAT FUMMILOLA ALABI	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SIKIRAT FUMMILOLA ALABI, Registered Nurse License Number 739767, and Vocational Nurse License Number 188791, 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)(10)&(13), Texas Occupations Code.

An informal conference was conducted on November 5, 2019, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Dorothy Dafey Oruaga, 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 Agreed Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from San Jacinto College North, Houston, Texas, on December 13, 2002. Respondent received an Associate Degree in Nursing from Excelsior College, Albany, New York, on May 19, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on May 8, 2003. Respondent was licensed to practice professional nursing in the State of Texas on March 30, 2007.

5. Respondent's nursing employment history includes:

5/2003	Unknown	
6/2003 – 2/2007	Registered Nurse	Deaconess Home Healthcare
6/2006 – 12/2008	Registered Nurse	Special Kids Care Houston, Texas
12/2008 – 3/2019	Owner/Administrator/ Director of Nursing	Miracle Hands Health Care Services Corp. Houston, Texas
3/2019 – Present	Field Nurse	Miracle Hands Health Care Services, Icon Home Health Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Owner/Administrator/Director of Nursing (DON) with Miracle Hands Health Care Services Corp., Houston, Texas, and had been in that position for nine (9) years and three (3) months.
7. On or about May 9, 2018, through May 12, 2018, while employed as the Owner/Administrator/Director of Nursing (DON) with Miracle Hands Health Care Services Corp., Houston, Texas, an agency providing Private Duty Nursing (PDN) care to pediatric patients, Respondent inappropriately accepted Patient DS into the services of the home health agency and assigned Licensed Vocational Nurses (LVNs) without considering patient safety and the education, experience, knowledge and physical and emotional abilities of the assigned LVNs to safely care for Patient DS. Patient DS required complex nursing care due to the multiple nursing interventions required; including, frequent tracheal suctioning to maintain her tracheostomy airway, monitoring and responding to ventilator alarms due to ventilator dependency, monitoring and reporting oxygen saturations within the ordered parameters, administration of continuous enteral tube feedings to the GJ tube, site care of the GJ tube, and monitoring of the peripherally inserted central catheter (PICC) line, PICC site and PICC site dressing changes, and administration of intravenous (IV) total parenteral nutrition (TPN) and Lipids. Additionally, Respondent failed to ensure the agency had adequate nursing staff to ensure the nurses caring for the patient were physically able to accept the assignment without posing a risk to the patient due to fatigue. One (1) LVN was on duty caring for the patient for twenty-four (24) hours. Respondent's conduct exposed the patient to a risk of harm from lack of appropriate nursing care.

8. On or about May 9, 2018, while employed as the Owner/Administrator/ DON with Miracle Hands Health Care Services Corp., Houston, Texas, an agency providing PDN care to pediatric patients, Respondent failed to completely perform and/or accurately and completely document a comprehensive initial assessment on Patient DS upon admission to services. Missing from the assessment is a designation of who the provider is for the various pieces of equipment in the home, infusion equipment was not checked on the equipment list, vital signs were left blank, height and weight was not recorded, there was no selection in relation to wound risk, the assessment of the left eye and ear was left blank, there was no designation under possible allergies, and the PICC line dressing is blank. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient from subsequent care decisions made without the benefit of reliable information.
9. On or about May 10, 2018, while employed as the Owner/Administrator/DON with Miracle Hands Health Care Services Corp., Houston, Texas, an agency providing PDN care to pediatric patients, Respondent failed to supervise nursing staff, and/or designate an alternate, supervising registered nurse to ensure complete patient care, including complete documentation and compliance with physician orders, including notification of herself and the physician when the patient had decreases in oxygen saturations below 93%/change of condition. In addition, Respondent failed to refer Patient DS to a home health care agency that would be able to provide appropriate/adequate supervision of staff to meet the complex nursing care needs of Patient DS. Respondent had been asked to leave the home by the patient's aunt, and was therefore unable to supervise or assist nursing staff in the home. Respondent's conduct was likely to injure the patient from lack of staff oversight and direction, and from ensuring that the patient had appropriate nursing care.
10. In response to the incidents in Finding of Fact Number Seven (7), Respondent states an LVN always has a duty to client/patient to ensure that they are safe, and only accepts those assignments for which she has the education, training, and skill competency. Respondent indicates that the nurses pediatric work experience was verified and documented in the in-service and orientation folders. Respondent relates that the nurses were trained to notify the physician and her for any change in condition, and asserts that she was never notified of any change of the patient's condition. Respondent states that regarding Finding of Fact Number Eight (8), she performed and documented an initial comprehensive assessment of the patient. Respondent states that regarding Finding of Fact Number Nine (9), in the morning of May 10, 2018, she received the patient and, worked with an LVN at the patient's bedside for over three (3) hours while the LVN verbalized and demonstrated competency, and she returned in the afternoon to ensure everything was on track per physician orders. Respondent indicates that she was training and orienting the LVN during these visits. Respondent relates that there was no change in the patient's condition, and the LVN was performing her duty well. Respondent explains that at 6:30 pm the patient's aunt said she didn't want Respondent in her house anymore, so she left.

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)(P),(1)(S),(1)(U)&(3)(A) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(D),(1)(F)&(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 739767, and Vocational Nurse License Number 188791, heretofore issued to SIKIRAT FUMMILOLA ALABI.
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, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 739767, and Vocational Nurse License Number 188791, previously issued to SIKIRAT FUMMILOLA ALABI, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a minimum of three (3) years **AND** until RESPONDENT fulfills the additional requirements 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.

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:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that 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. Home study and video programs will not be approved.

- B. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; 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. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: 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. Home study courses and video programs will not be approved.
- D. **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.
- E. **The course "Professional Accountability,"** a 4.6 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 twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) 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. **Direct Supervision:** For the first year [four (4) quarters] 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, as applicable, 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). 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.
- D. **Indirect Supervision:** For the remainder of the stipulation/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 of 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.

- E. **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 twelve (12) quarters [three (3) years] of employment as a nurse.

VI. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against 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.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(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.

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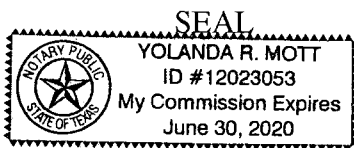
RESPONDENT'S CERTIFICATION

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 30th day of December, 2019.

Alabaskinet
SIKIRAT FUMMILOLA ALABI, RESPONDENT

Sworn to and subscribed before me this 30th day of December 2019.



Y R Mott
Notary Public in and for the State of Texas

Approved as to form and substance.

Dorothy Dafey Oruaga
Dorothy Dafey Oruaga, Attorney for Respondent

Signed this 30th day of December, 2019.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 30th day of December, 2019, by SIKIRAT FUMMILOLA ALABI, Registered Nurse License Number 739767, and Vocational Nurse License Number 188791, and said Agreed Order is final.

Effective this 11th day of February, 2020.

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

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