

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.

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED ORDER  
Advanced Practice Registered Nurse License §  
Number AP115175 with Prescription §  
Authorization Number 7071 §  
& Registered Nurse License Number 694290 §  
issued to OTIS DEROME WRIGHT §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of OTIS DEROME WRIGHT, Advanced Practice Registered Nurse License Number AP115175 with Prescription Authorization Number 7071, and Registered Nurse License Number 694290, 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)(8), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 7, 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.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Gerontological Nurse Practitioner is in current status with Prescription Authorization Number 7071 in current status.
4. Respondent received an Associate Degree in Nursing from Robeson Community College, Lumberton, North Carolina, on May 1, 1998. Respondent completed a Gerontological Nurse Practitioner Program from University of Texas Health Science Center, San Antonio, Texas, on May 19, 2006. Respondent was licensed to practice professional nursing in the

State of Texas on February 28, 2003. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Gerontological Nurse Practitioner on July 24, 2006. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Gerontological Nurse Practitioner with Prescription Authorization on July 24, 2006.

5. Respondent's nursing employment history includes:

07/2001 – 08/2003	RN	Northeast Methodist Hospital/ Metropolitan Methodist Hospital Inpatient Psychiatric Unit – San Antonio, Texas
08/2003 – 05/2004	RN	Nix's Behavioral Health Systems – San Antonio, Texas
05/2004 – 07/2006	RN	Methodist Specialty & Transplant Hospital Psychiatric Intensive Care Unit San Antonio, Texas
06/2006 – 10/2016	APRN	Garrison Family Medical Group Palmdale, California
07/2006 – 06/2007	APRN	UCLA – Resnick Neuropsychiatric Hospital Inpatient Behavior Health Unit Los Angeles, California
10/2006 – 08/2007	APRN	Mobile Medical and Nursing Inc. – Burbank, California
01/2015 – 02/2016	APRN	High Desert Medical Group Palmdale, California
03/2015 – 10/2016	APRN	Compassionate Heart Hospice San Dimas, California
06/2016 – 09/2019	APRN	Frank S. Floca, MD – Psychiatric Associates of Central Texas Austin, Texas
10/2018 – Present	APRN	Joshua Medical Group Palmdale, California

6. On or about August 29, 2019, Respondent received a Stipulated Settlement and Disciplinary Order from the Board of Registered Nursing, Department of Consumer Affairs State of California, Sacramento, California, wherein his license to practice professional nursing was revoked. However, the revocation was stayed, and Respondent was placed on probation for three (3) years. A copy of the Stipulated Settlement and Disciplinary Order from the Board of Registered Nursing, Department of Consumer Affairs State of California dated August 29, 2019, is attached and incorporated by reference as part of this pleading.
7. Response to Finding of Fact Number Six (6), Respondent states he did not engage in any unprofessional conduct, gross negligence or failure to provide thyroid medication while employed at Garrison Family Medical Group. He states the patient involved was transferred from the hospital to Antelope Valley Healthcare. He states the patient was on levothyroxine in the hospital, however, the medication list from the hospital did not include the levothyroxine. Respondent states for four months, the patient was not seen by any medical doctor including Dr. Garrison. He states Dr. Garrison was the primary physician who treated the patient when she was admitted to the hospital. As a Nurse Practitioner, Respondent states he cannot admit patients to skilled nursing facilities. He states the patient developed pneumonia and was transferred to the hospital and it was at that time that it was discovered that the patient was not on the levothyroxine.
8. Formal Charges were filed on October 7, 2019.

#### 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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP115175 with Prescription Authorization Number 7071, and Registered Nurse License Number 694290, heretofore issued to OTIS DEROME WRIGHT.
4. 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 Advanced Practice Registered Nurse License Number AP115175 with Prescription Authorization Number 7071, and Registered Nurse License Number 694290, previously issued to OTIS DEROME WRIGHT, to practice nursing in the State of Texas are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** 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. 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 returning as a resident to the State of Texas:

- 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.

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](http://www.bon.texas.gov/compliance).*

**IV. COMPLIANCE WITH THE STIPULATED SETTLEMENT AND DISCIPLINARY ORDER ISSUED BY THE BOARD OF REGISTERED NURSING, DEPARTMENT OF CONSUMER AFFAIRS, STATE OF CALIFORNIA**

RESPONDENT SHALL fully comply with all the terms and conditions of the Stipulated Settlement and Disciplinary Order issued to Respondent on August 29, 2019, by the Board of Registered Nursing, Department of Consumer Affairs, State of California. RESPONDENT SHALL cause the Board of Registered Nursing, Department of Consumer Affairs, State of California to submit written verification of Respondent's successful completion of that Order.

Evidence of completion with the terms of the Order of the Board of Registered Nursing, Department of Consumer Affairs, State of California, will be accepted as evidence of completion of the terms of this Order issued by the Texas Board of Nursing.

**V. 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.

**VI. 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 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 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.

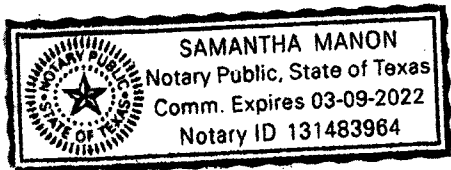
Signed this 26 day of December, 2019.

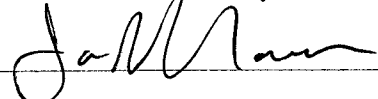


OTIS DEROME WRIGHT, RESPONDENT

Sworn to and subscribed before me this 26 day of December, 2019.

SEAL



  
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 26<sup>th</sup> day of December, 2019, by OTIS DEROME WRIGHT, Advanced Practice Registered Nurse License Number AP115175, and Registered Nurse License Number 694290, and said Agreed Order is final.

Effective this 10<sup>th</sup> day of March, 2020.



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



**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**OTIS DEROME WRIGHT**

Registered Nurse License No. **681921**  
Nurse Practitioner Certificate No. **16852**  
Nurse Practitioner Furnishing Certificate  
No. **16852**

Respondent.

Case No. **2019-273**

OAH No. **2019030928**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 29, 2019.

IT IS SO ORDERED July 30, 2019.

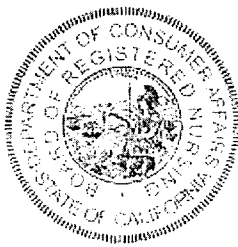
*Michael D Jackson MSN RN, BCN*

Michael D Jackson, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

I hereby certify the  
foregoing to be a true copy  
of the documents on file in our office

BOARD OF REGISTERED NURSING

Joseph C. Morris PhD MSN RN  
Executive Officer



1 XAVIER BECERRA  
Attorney General of California  
2 SHAWN P. COOK  
Supervising Deputy Attorney General  
3 EMILY Y. WADA  
Deputy Attorney General  
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300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6271  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **OTIS DEROME WRIGHT**  
14 **22018 Roan Bluff**  
15 **San Antonio, TX 78259**

16 **Registered Nurse License No. 681921**  
17 **Nurse Practitioner Certificate No. 16852**  
18 **Nurse Practitioner Furnishing Certificate**  
19 **No. 16852**

20 Respondent.

Case No. 2019-373

OAH No. 2019030928

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

21 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
22 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer  
23 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
24 which will be submitted to the Board for approval and adoption as the final disposition of the  
25 Accusation.

**PARTIES**

26 1. Joseph L. Morris, PhD, MSN, RN ("Complainant") is the Executive Officer of the  
27 Board of Registered Nursing ("Board"). He brought this action solely in his official capacity and  
28

1 is represented in this matter by Xavier Becerra, Attorney General of the State of California, by  
2 Emily Y. Wada, Deputy Attorney General.

3 2. Respondent Otis Derome Wright ("Respondent") is represented in this proceeding by  
4 attorney Yuk K. Law, Esq., whose address is 2 N. Lake Avenue, Suite 820, Pasadena, California  
5 91101.

6 3. On or about June 29, 2006, the Board issued Registered Nurse License No. 681921 to  
7 Respondent. The Registered Nurse License was in full force and effect at all times relevant to the  
8 charges brought in the First Amended Accusation No. 2019-373, and will expire on February 29,  
9 2020, unless renewed.

10 4. On or about September 12, 2006, the Board issued Nurse Practitioner Certificate No.  
11 16852 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times  
12 relevant to the charges brought in the First Amended Accusation No. 2019-373, and will expire  
13 on February 29, 2020, unless renewed.

14 5. On or about July 13, 2007, the Board issued Nurse Practitioner Furnishing Certificate  
15 No. 16852 to Respondent. The Nurse Practitioner Furnishing Certificate was in full force and  
16 effect at all times relevant to the charges brought in the First Amended Accusation No. 2019-373,  
17 and will expire on February 29, 2020, unless renewed.

#### 18 JURISDICTION

19 6. Accusation No. 2019-373 was filed before the Board on November 13, 2018, and the  
20 First Amended Accusation No. 2019-373 was filed before the Board on April 25, 2019, and is  
21 currently pending against Respondent. The First Amended Accusation and all other statutorily  
22 required documents were properly served on Respondent on May 1, 2019. Respondent timely  
23 filed his Notice of Defense contesting the First Amended Accusation.

24 7. A copy of First Amended Accusation No. 2019-373 is attached as Exhibit A and  
25 incorporated herein by reference.

#### 26 ADVISEMENT AND WAIVERS

27 8. Respondent has carefully read, fully discussed with counsel, and understands the  
28 charges and allegations in First Amended Accusation No. 2019-373. Respondent has also

1 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
2 Settlement and Disciplinary Order.

3 9. Respondent is fully aware of his legal rights in this matter, including the right to a  
4 hearing on the charges and allegations in the First Amended Accusation; the right to confront and  
5 cross-examine the witnesses against him; the right to present evidence and to testify on his own  
6 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
7 production of documents; the right to reconsideration and court review of an adverse decision;  
8 and all other rights accorded by the California Administrative Procedure Act and other applicable  
9 laws.

10 10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
11 every right set forth above.

#### 12 CULPABILITY

13 11. Respondent admits the truth of each and every charge and allegation in First  
14 Amended Accusation No. 2019-373.

15  
16 12. Respondent agrees that his Registered Nurse License is subject to discipline and he  
17 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

#### 18 CONTINGENCY

19 13. This stipulation shall be subject to approval by the Board of Registered Nursing.  
20 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
21 Registered Nursing may communicate directly with the Board regarding this stipulation and  
22 settlement, without notice to or participation by Respondent or his counsel. By signing the  
23 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
24 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
25 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
26 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
27 action between the parties, and the Board shall not be disqualified from further action by having  
28 considered this matter.



1           1.     **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and  
2 detailed account of any and all violations of law shall be reported by Respondent to the Board in  
3 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with  
4 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within  
5 45 days of the effective date of the decision, unless previously submitted as part of the licensure  
6 application process.

7           **Criminal Court Orders:** If Respondent is under criminal court orders, including  
8 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
9 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

10          2.     **Comply with the Board's Probation Program.** Respondent shall fully comply with  
11 the conditions of the Probation Program established by the Board, and, cooperate with  
12 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
13 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
14 more than 15 days of any address change and shall at all times maintain an active, current license  
15 status with the Board, including during any period of suspension.

16           Upon successful completion of probation, Respondent's license shall be fully restored.

17          3.     **Report in Person.** Respondent, during the period of probation, shall appear in  
18 person at interviews/meetings as directed by the Board or its designated representatives.

19          4.     **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
20 practice as a registered nurse outside of California shall not apply toward a reduction of this  
21 probation time period. Respondent's probation is tolled, if and when he resides outside of  
22 California. Respondent must provide written notice to the Board within 15 days of any change of  
23 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
24 returning to practice in this state.

25           Respondent shall provide a list of all states and territories where he has ever been licensed  
26 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
27 information regarding the status of each license and any changes in such license status during the  
28 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing

1 license during the term of probation.

2       5.     **Submit Written Reports.** Respondent, during the period of probation, shall submit  
3 or cause to be submitted such written reports/declarations and verification of actions under  
4 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
5 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
6 Respondent shall immediately execute all release of information forms as may be required by the  
7 Board or its representatives.

8       Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
9 state and territory in which he has a registered nurse license.

10       6.     **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
11 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
12 6 consecutive months or as determined by the Board.

13       For purposes of compliance with the section, "engage in the practice of registered nursing"  
14 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
15 non-direct patient care position that requires licensure as a registered nurse.

16       The Board may require that advanced practice nurses engage in advanced practice nursing  
17 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

18       If Respondent has not complied with this condition during the probationary term, and  
19 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
20 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
21 extension of Respondent's probation period up to one year without further hearing in order to  
22 comply with this condition. During the one-year extension, all original conditions of probation  
23 shall apply.

24       7.     **Employment Approval and Reporting Requirements.** Respondent shall obtain  
25 prior approval from the Board before commencing or continuing any employment, paid or  
26 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
27 performance evaluations and other employment related reports as a registered nurse upon request  
28 of the Board.

1 Respondent shall provide a copy of this Decision to his employer and immediate  
2 supervisors prior to commencement of any nursing or other health care related employment.

3 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
4 (72) hours after he obtains any nursing or other health care related employment. Respondent  
5 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,  
6 regardless of cause, from any nursing, or other health care related employment with a full  
7 explanation of the circumstances surrounding the termination or separation.

8 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
9 Respondent's level of supervision and/or collaboration before commencing or continuing any  
10 employment as a registered nurse, or education and training that includes patient care.

11 Respondent shall practice only under the direct supervision of a registered nurse in good  
12 standing (no current discipline) with the Board, unless alternative methods of supervision and/or  
13 collaboration (e.g., with an advanced practice nurse or physician) are approved.

14 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
15 following:

16 (a) Maximum - The individual providing supervision and/or collaboration is present in  
17 the patient care area or in any other work setting at all times.

18 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
19 care unit or in any other work setting at least half the hours Respondent works.

20 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
21 person communication with Respondent at least twice during each shift worked.

22 (d) Home Health Care - If Respondent is approved to work in the home health care  
23 setting, the individual providing supervision and/or collaboration shall have person-to-person  
24 communication with Respondent as required by the Board each work day. Respondent shall  
25 maintain telephone or other telecommunication contact with the individual providing supervision  
26 and/or collaboration as required by the Board during each work day. The individual providing  
27 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
28 patients' homes visited by Respondent with or without Respondent present.



1           9.    **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
2 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
3 or for an in-house nursing pool.

4           Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
5 registered nursing supervision and other protections for home visits have been approved by the  
6 Board. Respondent shall not work in any other registered nursing occupation where home visits  
7 are required.

8           Respondent shall not work in any health care setting as a supervisor of registered nurses.  
9 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
10 and/or unlicensed assistive personnel on a case-by-case basis.

11          Respondent shall not work as a faculty member in an approved school of nursing or as an  
12 instructor in a Board approved continuing education program.

13          Respondent shall work only on a regularly assigned, identified and predetermined  
14 worksite(s) and shall not work in a float capacity.

15          If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
16 request documentation to determine whether there should be restrictions on the hours of work.

17          10.   **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll in and  
18 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
19 months prior to the end of his probationary term.

20          Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
21 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
22 above required course(s). The Board shall return the original documents to Respondent after  
23 photocopying them for its records.

24          11.   **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
25 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
26 amount of \$17,456.86. Respondent shall be permitted to pay these costs in a payment plan  
27 approved by the Board, with payments to be completed no later than three months prior to the end  
28 of the probation term.

1 If Respondent has not complied with this condition during the probationary term, and  
2 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
4 extension of Respondent's probation period up to one year without further hearing in order to  
5 comply with this condition. During the one-year extension, all original conditions of probation  
6 will apply.

7 **12. Violation of Probation.** If Respondent violates the conditions of his probation, the  
8 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
9 and impose the stayed discipline (revocation/suspension) of Respondent's license.

10 If during the period of probation, an accusation or petition to revoke probation has been  
11 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
12 an accusation or petition to revoke probation against Respondent's license, the probationary  
13 period shall automatically be extended and shall not expire until the accusation or petition has  
14 been acted upon by the Board.

15 **13. License Surrender.** During Respondent's term of probation, if he ceases practicing  
16 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
17 Respondent may surrender his license to the Board. The Board reserves the right to evaluate  
18 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
19 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
20 Upon formal acceptance of the surrendered license, Respondent will no longer be subject to the  
21 conditions of probation.

22 Surrender of Respondent's license shall be considered a disciplinary action and shall  
23 become a part of Respondent's license history with the Board. A registered nurse whose license  
24 has been surrendered may petition the Board for reinstatement no sooner than the following  
25 minimum periods from the effective date of the disciplinary decision:

- 26 (1) Two years for reinstatement of a license that was surrendered for any reason other  
27 than a mental or physical illness; or
- 28 (2) One year for a license surrendered for a mental or physical illness.



ENDORSEMENT

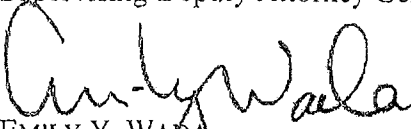
The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing.

Dated:

June 3, 2019

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
SHAWN P. COOK  
Supervising Deputy Attorney General



EMILY Y. WADA  
Deputy Attorney General  
*Attorneys for Complainant*

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1 XAVIER BECERRA  
Attorney General of California  
2 SHAWN P. COOK  
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E-mail: Emily.Wada@doj.ca.gov  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:  
14 **OTIS DEROME WRIGHT**  
22018 Roan Bluff  
15 San Antonio, TX 78259  
16 Registered Nurse License No. 681921  
Nurse Practitioner Certificate No. 16852  
17 Nurse Practitioner Furnishing Certificate  
No. 16852  
18 Respondent.

Case No. 2019-373  
**FIRST AMENDED ACCUSATION**

20  
21 Complainant alleges:

22 **PARTIES**

23 1. Joseph L. Morris, PhD, MSN, RN ("Complainant") brings this Accusation solely in  
24 his official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
25 Consumer Affairs.

26 2. On or about June 29, 2006, the Board of Registered Nursing issued Registered Nurse  
27 License Number 681921 to Otis Derome Wright ("Respondent"). The Registered Nurse License  
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1 was in full force and effect at all times relevant to the charges brought herein and will expire on  
2 February 29, 2020, unless renewed.

3 3. On or about September 12, 2006, the Board of Registered Nursing issued Nurse  
4 Practitioner Certificate Number 16852 to Respondent. The Nurse Practitioner Certificate was in  
5 full force and effect at all times relevant to the charges brought herein and will expire on February  
6 29, 2020, unless renewed.

7 4. On or about July 13, 2007, the Board of Registered Nursing issued Nurse Practitioner  
8 Furnishing Certificate Number 16852 to Respondent. The Nurse Practitioner Furnishing  
9 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
10 expire on February 29, 2020, unless renewed.

### 11 JURISDICTION

12 5. This First Amended Accusation is brought before the Board of Registered Nursing  
13 ("Board"), Department of Consumer Affairs, under the authority of the following laws. All  
14 section references are to the Business and Professions Code unless otherwise indicated.

15 6. Section 118, subdivision (b), of the Business and Professions Code ("Code") provides  
16 that the suspension, expiration, surrender, and/or cancellation of a license shall not deprive the  
17 Board of jurisdiction to proceed with a disciplinary action during the period within which the  
18 license may be renewed, restored, reissued or reinstated.

19 7. Section 2750 of the Code provides, in pertinent part, that the Board may discipline  
20 any licensee, including a licensee holding a temporary or an inactive license, for any reason  
21 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

### 22 STATUTORY PROVISIONS

23 8. Section 2761 of the Code states:

24 The board may take disciplinary action against a certified or  
25 licensed nurse or deny an application for a certificate or license for  
any of the following:

26 (a) Unprofessional conduct, which includes, but is not  
27 limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual  
28 certified or licensed nursing functions. . . .

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1 9. Section 2725 of the Code states:

2 (b) The practice of nursing within the meaning of this  
3 chapter [the Nursing Practice Act] means those functions,  
4 including basic health care, that help people cope with difficulties  
5 in daily living that are associated with their actual or potential  
6 health or illness problems or the treatment thereof, and that require  
7 a substantial amount of scientific knowledge or technical skill,  
8 including all of the following:

9 (1) Direct and indirect patient care services that ensure the  
10 safety, comfort, personal hygiene, and protection of patients; and  
11 the performance of disease prevention and restorative measures.

12 (2) Direct and indirect patient care services, including, but  
13 not limited to, the administration of medications and therapeutic  
14 agents, necessary to implement a treatment, disease prevention, or  
15 rehabilitative regimen ordered by and within the scope of licensure  
16 of a physician, dentist, podiatrist, or clinical psychologist, as  
17 defined by Section 1316.5 of the Health and Safety Code.

18 (4) Observation of signs and symptoms of illness, reactions  
19 to treatment, general behavior, or general physical condition, and  
20 (A) determination of whether the signs, symptoms, reactions,  
21 behavior, or general appearance exhibit abnormal characteristics,  
22 and (B) implementation, based on observed abnormalities, of  
23 appropriate reporting, or referral, or standardized procedures, or  
24 changes in treatment regimen in accordance with standardized  
25 procedures, or the initiation of emergency procedures.

26 (c) "Standardized procedures," as used in this section,  
27 means either of the following:

28 (1) Policies and protocols developed by a health facility  
licensed pursuant to Chapter 2 (commencing with Section 1250) of  
Division 2 of the Health and Safety Code through collaboration  
among administrators and health professionals including  
physicians and nurses.

(2) Policies and protocols developed through collaboration  
among administrators and health professionals, including  
physicians and nurses, by an organized health care system which is  
not a health facility licensed pursuant to Chapter 2 (commencing  
with Section 1250) of Division 2 of the Health and Safety Code.

The policies and protocols shall be subject to any guidelines  
for standardized procedures that the Division of Licensing of the  
Medical Board of California and the Board of Registered Nursing  
may jointly promulgate. If promulgated, the guidelines shall be  
administered by the Board of Registered Nursing. . . .

### REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1443, states:

As used in Section 2761 of the code, "incompetence" means the  
lack of possession of or the failure to exercise that degree of  
learning, skill, care and experience ordinarily possessed and  
exercised by a competent registered nurse as described in Section  
1443.5.

1 11. California Code of Regulations, title 16, section 1443.5 states:

2 A registered nurse shall be considered to be competent when  
3 he/she consistently demonstrates the ability to transfer scientific  
4 knowledge from social, biological and physical sciences in  
5 applying the nursing process, as follows:

6 (1) Formulates a nursing diagnosis through observation of  
7 the client's physical condition and behavior, and through  
8 interpretation of information obtained from the client and others,  
9 including the health team.

10 (2) Formulates a care plan, in collaboration with the client,  
11 which ensures that direct and indirect nursing care services provide  
12 for the client's safety, comfort, hygiene, and protection, and for  
13 disease prevention and restorative measures.

14 (3) Performs skills essential to the kind of nursing action to  
15 be taken, explains the health treatment to the client and family and  
16 teaches the client and family how to care for the client's health  
17 needs.

18 (4) Delegates tasks to subordinates based on the legal scopes  
19 of practice of the subordinates and on the preparation and  
20 capability needed in the tasks to be delegated, and effectively  
21 supervises nursing care being given by subordinates.

22 (5) Evaluates the effectiveness of the care plan through  
23 observation of the client's physical condition and behavior, signs  
24 and symptoms of illness, and reactions to treatment and through  
25 communication with the client and health team members, and  
26 modifies the plan as needed.

27 (6) Acts as the client's advocate, as circumstances require,  
28 by initiating action to improve health care or to change decisions  
or activities which are against the interests or wishes of the client,  
and by giving the client the opportunity to make informed  
decisions about health care before it is provided.

### COST RECOVERY

18 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
19 administrative law judge to direct a licentiate found to have committed a violation or violations of  
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
21 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
22 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
23 included in a stipulated settlement.

### CAUSE FOR DISCIPLINE

#### **(Incompetence)**

26 13. Respondent is subject to disciplinary action under Code section 2761, subdivision  
27 (a)(1), in conjunction with Code section 2725 and California Code of Regulations, title 16,  
28 sections 1443 and 1443.5, on the grounds of incompetence. The circumstances are as follows:



1 14. In 2013, Respondent provided treatment to a patient ("Patient") who had existing  
2 medical conditions, including hypothyroidism, at a healthcare facility. The Patient had resided at  
3 the facility since April 28, 2012. However, when the Patient was transferred to a local hospital on  
4 or about July 10, 2013, and later returned to the facility on or about July 18, 2013, Respondent  
5 failed to treat the Patient's hypothyroidism. Specifically, for at least several months, Respondent  
6 failed to order any tests to assess the Patient's condition and failed to prescribe and/or make sure  
7 that the Patient received medication for hypothyroidism.

8 15. The Patient had a well-documented and long history of treatment for hypothyroidism,  
9 which was reflected in the Patient's medical file maintained by the facility. The Patient's  
10 condition and medication treatment plan was also documented in the records from the Patient's  
11 recent hospital stay in July 2013, including, but not limited to, physician reports, consultation  
12 reports, active medication profiles, and discharge summaries. Despite this information,  
13 Respondent failed to review the Patient's previous records maintained by the facility or the recent  
14 records from the hospital.

15 **DISCIPLINE CONSIDERATIONS**

16 16. To determine the degree of discipline, if any, to be imposed on Respondent,  
17 Complainant alleges that, on or about December 23, 2014, the Board issued a citation order to  
18 Respondent in Case No. 2013-31 for violating Code sections 2761, subdivision (a), 2761,  
19 subdivision (f), 2762, subdivision (b), 2762, subdivision (c), and 2765, and California Code of  
20 Regulations, title 16, section 1444. The cause for the citation was that, on or about June 6, 2013,  
21 Respondent pled nolo contendere to a violation of Vehicle Code section 23103 per Vehicle Code  
22 section 23103.5 in the criminal proceeding *The People of the State of California v. Otis Wright*  
23 (Los Angeles Super. Ct., Case No. 3AV01145). The circumstances are that Respondent willfully  
24 drove a vehicle while having 0.8% or more, by weight of alcohol in his blood, on or about  
25 December 31, 2012.

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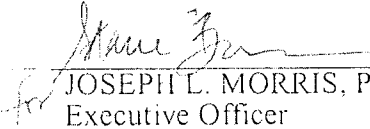
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PRAYER

WHEREFORE. Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 681921, issued to Otis Derome Wright;
2. Revoking or suspending Nurse Practitioner Certificate Number 16852, issued to Otis Derome Wright;
3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 16852, issued to Otis Derome Wright;
4. Ordering Otis Derome Wright to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
5. Taking such other and further action as deemed necessary and proper.

DATED: April 25, 2019

  
JOSEPH L. MORRIS, PHD, MSN, RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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