

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 934576 §
issued to DOMINIC IGBAJI UGAR §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DOMINIC IGBAJI UGAR, Registered Nurse License Number 934576, 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.

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 April 1, 2020.

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.
4. Respondent received a Baccalaureate Degree in Nursing from University of Texas, Arlington, Texas, on August 1, 2017. Respondent was licensed to practice professional nursing in the State of Texas on December 12, 2017.
5. Respondent's nursing employment history includes:

12/17 – 01/18	Unknown
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02/18 – 09/19	RN	Texas Health Harris Methodist Hospital Fort Worth, Texas
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Respondent's nursing employment history continued:

09/19 – Present	RN	Encompass Health Fort Worth, Texas
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6. At the time of the initial incident, Respondent was employed as a Registered Nurse (RN) with Texas Health Harris Methodist Hospital, Fort Worth, Texas, and had been in that position for four (4) months.
7. On or about June 10, 2018, while employed as a Registered Nurse (RN) in the Graduate Nurse Residency Program at Texas Health Harris Methodist Hospital, Fort Worth, Texas, Respondent failed to ensure that Patient Number 7062154146 [MA] had an identification band on prior to being transported to radiology for an abdominal x-ray. Respondent's conduct unnecessarily exposed the patient to a risk of undergoing an incorrect and/or unnecessary procedure.
8. On or about May 17, 2019, while employed as a Registered Nurse (RN) with Texas Health Harris Methodist Hospital, Fort Worth, Texas, Respondent administered Xanax 0.5mg to Patient Number 9437094482 [PM] one (1) hour and thirty-six (36) minutes early. Respondent's conduct was likely to injure the patient in that the administration of alprazolam in excess frequency of the physician's order could result in the patient suffering from adverse reactions. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
9. On or about August 19, 2019, while employed as a Registered Nurse (RN) with Texas Health Harris Methodist Hospital, Fort Worth, Texas, Respondent failed to get the dialysis fluid from the dialysis floor and initiate a peritoneal dialysis treatment for Patient Number 2000046385 [BC], who had an elevated potassium level, at 0900 as ordered by the physician. Patient BC did not receive his dialysis treatment until 1500, six (6) hours later. Respondent's conduct delayed the onset of treatment needed to decrease the patient's potassium level and unnecessarily exposed the patient to a risk of harm from complications associated with kidney disease.
10. On or about August 19, 2019, while employed as a Registered Nurse (RN) with Texas Health Harris Methodist Hospital, Fort Worth, Texas, Respondent failed to notify the physician of the aforementioned Patient BC's continued elevated blood pressure reading at 0900 even after the patient received a prn (as needed) dose of intravenous blood pressure medication two (2) hours prior. Additionally, Patient BC was able to receive his oral blood pressure medications at 0907, but Respondent did not administer them to the patient until 1017. Further, Respondent falsified the patient's blood pressure and heart rate at 0900 and 1017 in the patient's medical record. Respondent's conduct created an inaccurate medical record and unnecessarily deprived the patient of timely medical interventions needed to prevent complications associated with high blood pressure, including heart attack or stroke.

11. In response to Findings of Fact Numbers Seven (7) through Ten (10), regarding Patient MA, Respondent states that while working as an orientee, he received report from the night shift nurse stating that this patient was non-compliant and had ripped off two identification bands. Respondent states the band was placed on the medication administration computer in the patient's room because the patient did not want to wear it on her wrist. Respondent admits the patient was later taken off the floor for radiology test with her chart containing her patient stickers. Regarding Patient PM, Respondent admits he gave the patient her Xanax one hour early because she was anxious after breakfast and requested it. Regarding Patient BC, Respondent states he told his charge nurse that he did not have any experience with peritoneal dialysis and he was told that somebody from the dialysis floor would come assist with dialysis at the bedside. Respondent also states they were waiting for the patient's father to bring the patient's peritoneal dialysis equipment from home. Respondent states that the patient's blood pressure had been high all night. Respondent states he then checked the MAR and saw that the patient had three different oral blood pressure medications to be given at the same time with the morning medications. Respondent states he notified his charge nurse and she advised against giving oral blood pressure medications, stating that they will interfere with the Kayexalate, which was given to the patient by the night nurse for high potassium. Respondent states he administered PRN IV blood pressure medication to the patient. Respondent states that the oral blood pressure medications were given at 0900, and states that by 1017 the patient's blood pressure had decreased significantly. Respondent denies that he falsified the blood pressure results. Respondent states when the patient's father returned with the dialysis equipment, the physician was upset that it had not been completed. Respondent states the charge nurse called the dialysis floor and was told the pharmacy had already sent the fluid and it was still in the warmer. Respondent states the charge nurse left to get the fluid while he prepped the patient for dialysis. Respondent states the charge nurse returned alone, and not with a dialysis nurse as previously planned, and neither she nor Respondent knew how to complete peritoneal dialysis. Respondent states the patient had to show them how to do it.

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)(C),(1)(D),(1)(M),(1)(P),(1)(T)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(1)(E),(4),(6)(A),(6)(H)&(11)(B).
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 934576, heretofore issued to DOMINIC IGBAJI UGAR.

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 AND FINE** 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.

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 medication administration** 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: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. 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.

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. **MONETARY FINE**

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) days of the effective date of this Order.**

Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VI. **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. **Indirect Supervision:** 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.
- 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.

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.

RESPONDENT'S CERTIFICATION

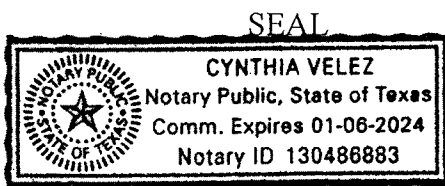
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, 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.

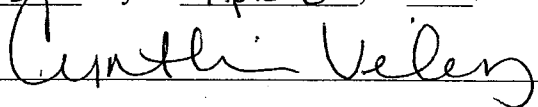
Signed this 23rd day of April, 2020.



DOMINIC IGBAJI UGAR, RESPONDENT

Sworn to and subscribed before me this 23rd day of April, 2020.





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 23rd day of April, 2020, by DOMINIC IGBAJI UGAR, Registered Nurse License Number 934576, and said Agreed Order is final.

Effective this 9th day of June, 2020.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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