

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 749195	§	
& Vocational Nurse License Number 193027	§	
issued to VICTOR CHIKEZIE ADIKAIBE	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of VICTOR CHIKEZIE ADIKAIBE, Registered Nurse License Number 749195, and Vocational Nurse License Number 193027, 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 17, 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 vocational nurse in the State of Texas is in current 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 Houston Community College, Houston, Texas, on December 11, 2003. Respondent received a Baccalaureate Degree in Nursing from University of Texas Health Science Center-San Antonio, San Antonio, Texas, on May 19, 2007. Respondent was licensed to practice vocational nursing in the State of Texas on March 17, 2004. Respondent was licensed to practice professional nursing in the State of Texas on December 27, 2007.

5. Respondent's nursing employment history includes:

3/2004 – 12/2018	Unknown	
1/2019 – 7-2019	RN	HCA Houston Healthcare Southeast Pasadena, Texas
8/2019 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with HCA Houston Healthcare Southeast, Pasadena, Texas, and had been in that position for six (6) months.
7. On or about July 5, 2019, while employed as a Registered Nurse with HCA Houston Healthcare Southeast, Pasadena, Texas, Respondent withdrew two (2) Norco 5/325mg tablets, one (1) Zolpidem 5mg tablet, and four (4) Clonazepam 0.5mg tablets from the medication dispensing system for Patient EZ, but failed to document and/or accurately and completely document the administration of the medication in the patient's Medication Administration Record (MAR) and/or Nurses' Notes. Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on his documentation to further medicate the patient, which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about July 13, 2019, while employed as a Registered Nurse with HCA Houston Healthcare Southeast, Pasadena, Texas, Respondent withdrew two (2) Norco 7.5/325mg tablets from the medication dispensing system for Patient KC, but failed to document and/or accurately and completely document the administration of the medication in the patient's Medication Administration Record (MAR) and/or Nurses' Notes. Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on his documentation to further medicate the patient, which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
9. In response to Finding of Fact Number Seven (7), Respondent states he was still learning the Meditech system and that it sometimes did not show up in the system after medications were scanned and administered. In response to Finding of Fact Number (8), Respondent states he was administering two (2) Norco 7.5/325mg tabs to the patient when he received a message from staff to clock out and go home, which he did. Respondent relates he scanned the medication and gave it to the patient, but because he was immediately sent home, he did not have the opportunity to verify if the scanner accepted it. Furthermore, Respondent explains he struggled with the Meditech system because he was not properly trained on it during orientation.

10. On or about March 13, 2020, Respondent underwent a chemical dependency evaluation performed by Joyce Gayles, Ph.D. Dr. Gayles concludes that Respondent has a low probability of a substance use disorder and he does not have a chemical dependency impairment that would affect his ability to function safely and effectively as a nurse. Dr. Gayles opines that the discrepancies are a result of Respondent's lack of proficiency with the medication system coupled with the challenges associated with his work situation as he experienced 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)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4)&(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 749195, and Vocational Nurse License Number 193027, heretofore issued to VICTOR CHIKEZIE ADIKAIBE.
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 **REMEDIAL EDUCATION** 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 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.
- C. **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. **SUBSEQUENT CRIMINAL PROCEEDINGS**

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

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

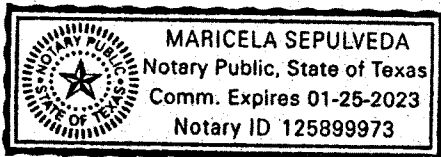
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5th day of June, 2020.

Victor Chikezie Adikaibe
VICTOR CHIKEZIE ADIKAIBE, RESPONDENT

Sworn to and subscribed before me this 5th day of June, 2020.

SEAL



Maricela Sepulveda
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5th day of June, 2020, by VICTOR CHIKEZIE ADIKAIBE, Registered Nurse License Number 749195, and Vocational Nurse License Number 193027, and said Agreed Order is final.

Effective this 15th day of June, 2020.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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