

# BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 795095	§	FOR
issued to VERA NYONGLEMUGA	§	DISCIPLINE & ELIGIBILITY
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of VERA NYONGLEMUGA, Registered Nurse License Number 795095, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(13) and 301.453, 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 August 10, 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 an Associate Degree in Nursing from St. Louis Higher Institute of Health and Biomedical Sciences, Bamenda, Republic of Cameroon, on November 1, 2007. Respondent was licensed to practice professional nursing in the State of Texas on January 11, 2011.
5. Respondent's nursing employment history includes:

1/2011 – 12/2013	State Supported Living Center
------------------	-------------------------------

Lubbock, Texas

12/2013 – 7/2017

University Medical Center  
Lubbock, Texas

7/2017 – 11/2018

University Medical Center  
El Paso, Texas

12/2018 – 12/2019

The Hospital of Providence Memorial  
El Paso, Texas

3/2020 – 06/2020

Mountainview Regional Medical Center  
Las Cruces, New Mexico

06/2020 – Present

Hendrick Health System  
Abilene, Texas

6. At the time of the incidents, Respondent was employed as a Registered Nurse with University Medical Center, Lubbock, Texas, and had been in that position for four (4) years and ten (10) months.
7. On or about October 13, 2018, and October 14, 2018, while employed as a Staff Nurse with University Medical Center, El Paso, Texas, Respondent failed to document, and/or completely and accurately document, a pain assessment for Patient A.P. prior to administration of Tramadol and Fioricet. Additionally, Respondent failed to document the total amount of a normal saline and potassium infusion that was administered during the shift. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
8. On or about October 13, 2018, and October 14, 2018, while employed as a Staff Nurse with University Medical Center, El Paso, Texas, Respondent failed to reassess the efficacy of pain medications administered to Patient A.P. Furthermore, Respondent failed to assess the patient's increased oxygen needs at 2014 hours when the patient required supplemental oxygen. Respondent's conduct created an incomplete medical record and was likely to injure the patient from clinical care decisions based upon incomplete assessment information.
9. On or about October 13, 2018, and October 14, 2018, while employed as a Staff Nurse with University Medical Center, El Paso, Texas, Respondent failed to intervene, including failure to notify the physician, when Patient A.P. exhibited respiratory rate and systolic blood pressure readings outside of targeted parameters. Additionally, Respondent failed to notify the physician when testing revealed Patient A.P. met the criteria for a possible Sepsis infection, and a Systemic Inflammatory Response syndrome (SIRs), as required by facility

policy. Respondent's conduct was likely to injure the patient from lack of appropriate nursing and medical care.

10. On or about October 13, 2018, and October 14, 2018, while employed as a Staff Nurse with University Medical Center, El Paso, Texas, Respondent simultaneously administered IV Haldol, oral Tramadol, and Fioricet to the patient at the same time. Each medication, on its own, can cause respiratory depression. Respondent's conduct was likely to injure the patient from adverse complications of respiratory depression; including, respiratory failure.
11. In response to the incidents in Findings of Fact Numbers Seven (7) through Ten (10), Respondent acknowledges neglecting to document her pre- and post-medication assessments on this patient. Respondent states she regularly assessed the patient's oxygen, respiration rate, heart rate, and other vital signs. Respondent maintains she was repeatedly in the patient's room during her shift as he required frequent care and she documented her assessments at a higher frequency than was required under the facility's policy. Respondent states she administered the Haldol, Tramadol, and Fioricet at the same time as this was warranted by her assessment and consistent with the physician's orders, the dosages of each medication was small, and the medications had been routinely given at the same time by other nurses prior to her shift. The Respondent contends she did not notify the physician of a SIRS or sepsis infection alert as the patient did not meet criteria for either condition. The electronic alerts were issued when the patient would remove or dislodge their pulse oximeter and as such the alerts were not based on accurate vital signs.
12. Respondent completed a Master's Degree Advanced Practice Registered Nurse program at the University of Texas at Arlington in August, 2020.
13. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for licensure.
14. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Respondent's disclosures.
15. Respondent has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
16. Respondent shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

#### 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)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(B),(1)(C)&(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 795095, heretofore issued to VERA NYONGLEMUGA. Further, RESPONDENT's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13), Texas Occupations Code.
5. The Board may license an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
6. This Order is conditioned upon the accuracy and completeness of Respondent's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Respondent's license(s).
7. 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 **REPRIMAND WITH STIPULATIONS** in accordance with the terms of this Order.

IT IS FURTHER AGREED and ORDERED, that upon completion of an acceptable program in advanced practice registered nursing, applying for licensure, and paying all applicable fees, and contingent upon there being no other eligibility issues

determined during the application process, RESPONDENT shall be issued the applicable licensure as an Advanced Practice Registered Nurse with Prescriptive Authority.

- 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" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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

**V. EMPLOYMENT REQUIREMENTS PRIOR TO LICENSURE AND EMPLOYMENT AS AN APRN**

In order to complete the terms of this Order, RESPONDENT must work as either a registered nurse (RN) or an advanced practice registered nurse (APRN) 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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a either a registered nurse (RN) or an advanced practice registered nurse (APRN) have elapsed. Periods of unemployment or of employment that do not require the use of either a registered nurse (RN) or advance practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** Prior to licensure as an advanced practice registered nurse (APRN) and while under the terms of this Order, 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:** Prior to licensure as an advanced practice registered nurse (APRN) and while under the terms of this Order, 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 Registered 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 period and employed as a Registered Nurse (RN), 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 eight (8) quarters [two (2) years] of employment as a nurse.

## **VI. EMPLOYMENT REQUIREMENTS AFTER LICENSURE AND EMPLOYMENT AS AN APRN**

Upon becoming licensed and employed as an Advanced Practice Registered Nurse (APRN), in order to complete the remaining terms of this Order, if any, RESPONDENT must work as an advanced practice registered nurse (APRN), providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for the remainder of eight (8) quarterly periods [two (2) years] of employment, if any. This



requirement will not be satisfied until such eight (8) quarterly periods of employment have elapsed. Any quarterly period without continuous employment as an advanced practice registered nurse with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of an advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, RESPONDENT may not work as a registered nurse (RN) after becoming licensed and employed as an Advanced Practice Registered Nurse (APRN) while under the terms of this Order.

- A. **Notifying Future Employers, Practice Sites and Credentialing Agencies:** After licensure and employment as an advanced practice registered nurse (APRN) and while under the remaining terms of this Order, if any, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.
- B. **Notification of Employment Forms:** After licensure and employment as an advanced practice registered nurse (APRN) and while under the remaining terms of this Order, if any, RESPONDENT SHALL CAUSE each future employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the RESPONDENT by the Board, to the Board's office within five (5) days of employment as a nurse.
- C. **Direct Supervision:** After licensure and employment as an advanced practice registered nurse (APRN) and while subject to the remainder of the first year [four (4) quarters] of employment as a Nurse under this order, if any, RESPONDENT SHALL be directly supervised by an Advanced Practice Registered Nurse or Physician. Direct supervision requires another Advanced Practice Registered Nurse or Physician, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. If being supervised by an Advanced Practice Registered Nurse, the supervising APRN must be in the same advanced role and population focus area as RESPONDENT. 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:** After licensure and employment as an advanced practice registered nurse (APRN) and while subject to the remainder of the stipulation period, if any, RESPONDENT SHALL be supervised by an Advanced Practice Registered Nurse or Physician who is on the premises. The supervising Advanced Practice Registered Nurse or Physician 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 Advanced Practice Registered Nurse or Physician shall have a minimum of two (2) years of experience in the same or similar practice setting to which the RESPONDENT is currently working. If being supervised by an Advanced Practice Registered Nurse, the supervising APRN must be in the same advanced role and population focus area as RESPONDENT. 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 supervising Advanced Practice Registered Nurse or Physician 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 Advanced Practice Registered Nurse or Physician who supervises the RESPONDENT and these reports shall be submitted by the supervising Advanced Practice Registered Nurse or Physician to the office of the Board at the end of each three (3) month quarterly period for the remainder of eight (8) quarters [two (2) years] of employment as a nurse, if any.

## **VII. 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.

## **VIII. 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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

**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 11 day of August, 2020.


  
\_\_\_\_\_  
VERA NYONGLEMUGA, RESPONDENT

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

Approved as to form and substance.

  
\_\_\_\_\_  
Dan Lype, Attorney for Respondent

Signed this 11 day of August, 2020.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11<sup>th</sup> day of August, 2020, by VERA NYONGLEMUGA, Registered Nurse License Number 795095, and said Agreed Order is final.

Effective this 8<sup>th</sup> day of September, 2020.

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

---

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