BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	REINSTATEMENT
Vocational Nurse License Number 179198	§	AGREED ORDER
issued to SUSAN NKEIRUKA FORUN	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement, hereinafter referred to as the Petition, of Vocational Nurse License Number 179198, held by SUSAN NKEIRUKA FORUN, hereinafter referred to as Petitioner.

Petitioner waived notice and hearing and agreed to the entry of this Reinstatement Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

2. Petitioner waived notice and hearing, and agreed to the entry of this Reinstatement Agreed Order.

3. Petitioner received a Certificate in Vocational Nursing from a foreign country, on January 1, 1984. Petitioner was licensed to practice vocational nursing in the State of Texas on February 14, 2001.

4. Petitioner's nursing employment history includes:

02/1994 – 05/1987	Staff Nurse	University of Nigeria Teaching Hospital Enugu, Nigeria
11/2001 – 04/2008	Staff Nurse	Nurse Finders Houston, Texas

Petitioner's nursing employment history continued:

08/2009 – 08/2012	Staff Nurse	Wecare Kids Care Houston, Texas
01/2002 – 11/2017	Staff Nurse	Nurses Night & Day, Inc. Houston, Texas
02/2010 – 11/2017	Private Duty Nurse	Dynamic Home Health Services Houston, Texas
01/2016 – 11/2017	Staff Nurse	Icon Health Services Houston, Texas
12/2017 – Present		Not employed in nursing

5. On or about December 1, 2017, the Board accepted the Voluntary Surrender of Petitioner's license to practice nursing in the State of Texas through an Order of the Board. A copy of the December 1, 2017, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.

6. On or about June 19, 2019, Petitioner was granted early release from the community supervision requirements of Cause No. 144291201010 in the 263rd District Court of Harris County, Texas.

7. On or about May 27, 2020, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.

8. Petitioner presented the following in support of said petition:
   A. Letter of support dated May 7, 2020, from Glena V. Parkinson, Nurses Night & Day, Inc., Houston, Texas.
   B. Letter of support dated May 15, 2020, from Sonya Webb.
   C. Letter of support dated May 7, 2020, from Mercy A. Nims, Administer, Dynamic Home Health Services, Houston, Texas.
   D. Letter of support dated May 15, 2019, from Dr. Leo Amegashitsi, Business Manager, Nurses Night & Day, Inc., Houston, Texas.
   E. Documentation of the required continuing education contact hours.

9. On or about June 26, 2020, Petitioner completed a forensic psychological evaluation performed by J. Ray Hays, Ph.D., J.D., Bellaire, Texas. According to Dr. Hays, Petitioner is unlikely to repeat the thinking errors involved in the problem which led to her arrest, guilty plea, and deferred adjudication for theft, and there were no findings on psychological

testing that suggested that Petitioner is currently impaired with any type of psychiatric or psychological problems, including abuse or dependence on drugs or alcohol. It is the opinion of Dr. Hays that Petitioner is capable of being re-licensed as a nurse in Texas.

10. 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 relicensure.

11. There is no evidence of any subsequent criminal conduct.

12. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, as applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

13. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.

14. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. This reinstatement is made pursuant to Sections 301.453(c) and 301.467, Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26.

3. The Board may relicense 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.

4. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, as applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

5. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

6. 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. **REINSTATEMENT OF LICENSURE AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of SUSAN NKEIRUKA FORUN for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Vocational Nurse License Number 179198 is/are hereby **REINSTATED** in accordance with the terms of this Order.

A. PETITIONER SHALL pay all re-registration fees, if applicable, and PETITIONER'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

B. Until successfully completed, this Order SHALL apply to any and all future licenses issued to PETITIONER to practice nursing in the State of Texas.

C. Until successfully completed, this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

D. As a result of this Order, PETITIONER'S license(s) will be designated "single state" as applicable and PETITIONER 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, PETITIONER 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 Reinstatement Agreed Order.

III.   REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) **within one (1) year of relicensure, 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. **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), PETITIONER 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. PETITIONER SHALL first obtain Board approval of any course prior to enrollment if the course is <u>not</u> being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at <u>www.bon.texas.gov/compliance</u>.*

IV.   EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, <u>for a minimum of sixty-four (64) hours per month</u> 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 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 <u>and will not count towards completion of this</u> <u>requirement.</u>

A. **Notifying Present and Future Employers:** PETITIONER 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, PETITIONER 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:** PETITIONER 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. PETITIONER 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:** PETITIONER 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 PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

D. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the individual who supervises the PETITIONER 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.

V. **RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Reinstatement Agreed Order, all encumbrances will be removed from PETITIONER'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, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I understand this Order is conditioned upon the accuracy and completeness of my petition and disclosures. I further understand that subsequently discovered discrepancies in my petition and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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 REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.
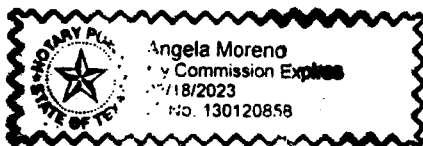
Signed this 28 day of Sept, 2020.

SUSAN NKEIRUKA FORUN, PETITIONER

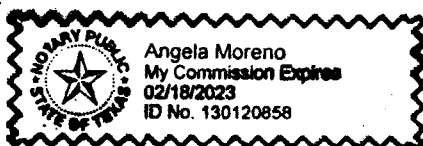Sworn to and subscribed before me this 28th day of September, 2020.

SEAL

Notary Public in and for the State of Texas

Angela Moreno
My Commission Expires
02/18/2023
ID No. 130120858

Angela Moreno
My Commission Expires
02/18/2023
ID No. 130120858

Approved as to form and substance.

Meka Odunze, Attorney for Petitioner

Signed this 28th day of Sept, 2020.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the __28th__ day of __September__, 20__20__, by SUSAN NKEIRUKA FORUN, Vocational Nurse License Number 179198, and said Reinstatement Agreed Order is final.

Effective this __10th__ day of __November__, 20__20__.

Katherine A. Thomas

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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Vocational Nurse License Number 179198	§	
issued to SUSAN NKEIRUKA FORUN	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board,

considered the matter of SUSAN NKEIRUKA FORUN, Vocational Nurse License Number 179198,

hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations

Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

2. Respondent waived notice and hearing, and agreed to the entry of this Order.

3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.

4. Respondent received an Associate Degree in Nursing from a foreign country on January 1, 1984. Respondent was licensed to practice vocational nursing in the State of Texas on February 14, 2001.

5. Respondent's nursing employment history is unknown.

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6. On or about June 28, 2017, Respondent entered a plea of Guilty to THEFT>=$100,000<$200,000, a 2ND Degree Felony offense, committed on April 7, 2010 continuing through April 13, 2011, in the 263rd District Court, Harris County, Texas, under Case No. 144291201010. As a result of the plea, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and Respondent was placed on probation for a period of five (5) years, and ordered to pay a fine and court costs.

7. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

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 §217.12(13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 179198, heretofore issued to SUSAN NKEIRUKA FORUN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

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.

6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

8. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the **VOLUNTARY SURRENDER** of Vocational Nurse License Number 179198, heretofore issued to SUSAN NKEIRUKA FORUN, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself/himself as a vocational nurse, or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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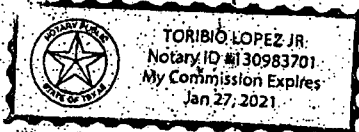CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 28th day of November, 20 17

SUSAN NKEIRUKA FORUN, Respondent

Sworn to and subscribed before me this 28th day of November, 20 17

SEAL

Notary Public in and for the State of Texas

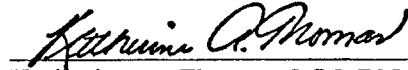TORIBIO LOPEZ JR.
Notary ID #130983701
My Commission Expires
Jan 27, 2021

Approved as to form and substance.

John W. Reeder, Attorney

Signed this 1st day of December, 2017.

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WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of

the Texas Board of Nursing, does hereby accept the voluntary surrender of Vocational Nurse License

Number 179198, previously issued to SUSAN NKEIRUKA FORUN.

Effective this 1st day of December, 20 17.

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