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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	
NGOZIKA TRACEY NJOKU,	§	AGREED ORDER
Advanced Practice Registered Nurse License	§	FOR
Number AP135461 with Prescription	§	DISCIPLINE &
Authorization Number 24508,	§	ELIGIBILITY
Registered Nurse License Number 925485	§	
& PETITIONER for Eligibility for Licensure	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Advanced Practice Registered Nurse License Number AP135461 with Prescription Authorization Number 24508, Registered Nurse License Number 925485, and the Application for Licensure as an Advanced Practice Registered Nurse as a Psychiatric/Mental Health Nurse Practitioner, which has been processed as a Petition for Declaratory Order, hereinafter referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §221.4(a)(7), and supporting documents filed by NGOZIKA TRACEY NJOKU, hereinafter referred to as Petitioner, requesting a determination of eligibility for licensure in compliance with Section 301.257, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §221.4(a), together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that Petitioner may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

Petitioner waived notice and hearing and agreed to the entry of this Agreed Order for Discipline & Eligibility approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 31, 2020.

FINDINGS OF FACT

1. On or about July 29, 2020, Petitioner submitted the Petition requesting a determination of eligibility for licensure as a psychiatric/mental health nurse practitioner without prescription authorization.
2. Petitioner received a Baccalaureate Degree in Nursing from MGH Institute of Health Professions, Boston, Massachusetts, on December 1, 2008. Petitioner completed a Family Nurse Practitioner Program from MGH Institute of Health Professions, Charlestown, Massachusetts, on May 1, 2010. Petitioner was licensed to practice professional nursing in the State of Texas on June 22, 2017. Petitioner was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner on October 13, 2017. Petitioner was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner with Prescription Authorization on October 13, 2017, and graduated from Regis College, Weston, Massachusetts, on December 18, 2018, with a post-master's certificate as a psychiatric/mental health nurse practitioner.
3. Petitioner's license to practice as a professional nurse in the State of Texas is in current status. Petitioner's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
4. Petitioner's nursing employment history includes:

07/2017 – 04/2018	FNP	Wilson N. Jones Regional Medical Center Sherman, Texas
05/2018 – 10/2018	Unknown	
11/2018 – 12/2019	FNP	Wilson N. Jones Regional Medical Center - Haven Behavioral Health Sherman, Texas
04/2019 – 12/2019	FNP/ PMHNP	iCan Medics and Psych Services, PLLC Garland, Texas
01/2020 – Present	Unknown	
5. On or about May 9, 2019, through December 2, 2019, while licensed as a Family Nurse Practitioner, and owner and operator of iCan Medics and Psych Services, PLLC, Garland, Texas, Petitioner misrepresented herself as a Psychiatric Mental Health Nurse Practitioner and exceeded her scope of practice as a Family Nurse Practitioner by treating psychiatric patients, though she was not licensed as a Psychiatric Mental Health Nurse Practitioner. Petitioner's conduct may have exposed the patients unnecessarily to a risk of harm from

improper interventions by Petitioner, whose training may have been inadequate to provide independent advanced medical care for psychiatric care.

6. On or about May 14, 2019, and May 31, 2019, while licensed as a Family Nurse Practitioner, and owner and operator of iCan Medics and Psych Services, PLLC, Garland, Texas, Petitioner wrote a prescription for Lexapro and Diazepam for Patient EH and a prescription for Suboxone for Patient AR on prescription forms that did not contain the name, address, telephone number, and United States Drug Enforcement Administration number of the physician with whom she had a prescriptive authority agreement or facility-based protocol or other written authorization.
7. On or about July 15, 2019, through July 25, 2019, while licensed as a Family Nurse Practitioner, and owner and operator of iCan Medics and Psych Services, PLLC, Garland, Texas, Petitioner's practice fell below the minimum standards of nursing practice in that she engaged in non-therapeutic prescribing practices. More specifically, Petitioner falsely documented that she issued twenty-three (23) prescriptions for Hydrocodone-Acetaminophen and one (1) prescription for Oxycodone to Patients AC, DD, TH, BD, RG, CH, SJ, PP, GW, RB, BD, BP, YR, DS, TS, KJ, ML, MM, DP, KT, GT, SH, HP, and LS after she assessed the patients, despite the fact she did not conduct appropriate assessments to justify her prescribing practices. Further, Petitioner documented the prescriptions after the controlled substances had already been dispensed to the patients by Brandy Pharmacy, Garland, Texas. Petitioner's conduct falls below the minimum applicable standard of care.
8. In response to Finding of Fact Number Five (5), Petitioner states she is certified as a Psychiatric Mental Health Nurse Practitioner. Petitioner states the American Nurses Credentialing Center granted her with the certification of Psychiatric Mental Health Nurse Practitioner on March 15, 2019 and it is effective until March 14, 2024. Petitioner believes the ANCC provided a verification letter dated April 2, 2019 to the Texas Board of Nurse Examiners, verifying Petitioner's certification of Psychiatric Mental Health Nurse Practitioner. Petitioner believed this was sufficient to verify her credentials and was not aware her credentials and certification of Psychiatric Mental Health Nurse Practitioner were not duly registered with the State of Texas and, therefore, was unaware she was not authorized to practice as a Psychiatric Mental Health Nurse Practitioner. Petitioner states she has undertaken steps to register her certifications and all required documents have been submitted to the Texas Board of Nursing for review and approval so that her Nursing Board profile may be updated to accurately reflect all her certifications. In reference to Finding of Fact Number Seven (7), Petitioner states that although each patient requested Hydrocodone, she refused to write such prescriptions and instead gave each patient a prescription for Ibuprofen. Petitioner states that sometime in July 2019, the owner of Brandy Pharmacy went to her and informed her he had dispensed Hydrocodone 90mg to each of the patients he had referred to her because he thought she prescribed the medications. Petitioner states the owner of Brandy Pharmacy demanded Petitioner update the patients' prescriptions to reflect Hydrocodone was prescribed and even threatened her if she did not comply. Petitioner states that out of fear, she updated the patients' prescriptions as requested. Petitioner states many of the records corroborate these events as it reflects medications for acetaminophen-hydrocodone were prescribed in July 2019

without listing any evaluations or assessments, as none had been performed by her. Petitioner states she has not written any prescriptions for controlled substances since December 2019. Petitioner further states she has practiced as a nurse for over 12 years and has no prior disciplinary history.

9. 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.
10. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
11. Petitioner 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.
12. Petitioner 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. On or about July 29, 2020, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Section 301.257, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §221.4(a).
3. The evidence received is sufficient to prove violation(s) of 22 Tex. Admin. Code §§217.11(1)(A),(1)(D)&(4), 217.12(1)(A),(1)(B),(1)(C),(3),(4)&(10)(B), 221.12(1), 222.4(a)(1)(B),(b)(5)&(b)(10), 222.8(c), and 222.10(a)(1)&(a)(3).
4. Petitioner'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 probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
6. 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.

7. 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).
8. 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, ELIGIBILITY FOR LENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED subject to ratification by the Texas Board of Nursing, that:

Prescription Authorization Number 24508, previously issued to NGOZIKA TRACEY NJOKU as a Family Nurse Practitioner, is **LIMITED** and **PETITIONER SHALL NOT prescribe or order any controlled substances**. Further, **PETITIONER SHALL** surrender any and all DEA (United States Drug Enforcement Administration) Controlled Substances Registration Certificates and/or any other government issued certificates or authorizations to prescribed controlled substances, if any, on or before the effective date of this Order;

Advanced Practice Registered Nurse License Number AP135461, and Registered Nurse License Number 925485, previously issued to NGOZIKA TRACEY NJOKU, to practice nursing in the State of Texas are hereby **SUSPENDED** and said suspension is **STAYED** and **PETITIONER** is hereby placed on **PROBATION** for a minimum of two (2) years **AND** until **PETITIONER** fulfills the additional requirements of this Order; and

The PETITION is hereby **GRANTED**, and upon payment of any required fees and meeting all other applicable requirements, PETITIONER SHALL be issued authorization to practice as a Psychiatric/Mental Health Nurse Practitioner without Prescription Authorization in the State of Texas in accordance with the terms of this Order, and:

- A. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- B. 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.
- C. As a result of this Order, PETITIONER'S license 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 Agreed Order.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, PETITIONER 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, PETITIONER 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, PETITIONER SHALL successfully complete the following remedial education course(s) **within one (1) year of licensure, 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.
- D. **The course "Prescriptive Authority for APRNs,"** a 1.2 contact hour online program provided by the Texas Board of Nursing. Information about this course is available at <https://www.bon.texas.gov/catalog/product/#bon-course-rx> or from the "CNE Workshops/Webinars" section of the Board's website under "News" menu.

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 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

PETITIONER SHALL pay a monetary fine in the amount of one thousand dollars (\$1000.00) within ninety (90) days of licensure. 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. APRN EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER must work as an advanced practice registered 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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as an advanced practice registered nurse have elapsed. 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, Petitioner may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

- A. Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** PETITIONER SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER 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:** PETITIONER SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the PETITIONER by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER 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 PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.
- C. Monitored Practice:** PETITIONER'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as PETITIONER who has been approved by the Board. PETITIONER MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of three (3) Advanced Practice Registered Nurses and/or three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of PETITIONER'S receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the PETITIONER as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. PETITIONER SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.
- D. Nursing Performance Reports:** PETITIONER SHALL CAUSE each supervising/monitoring Advanced Practice Registered Nurse or Physician 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 Advanced Practice Registered Nurse or Physician who supervises/monitors the PETITIONER and these reports shall be submitted by the supervising/monitoring Advanced Practice Registered Nurse or Physician 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.

VII. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the PETITIONER'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, PETITIONER may be subject to further disciplinary action, up to,

and including, revocation of PETITIONER'S license(s) to practice nursing in the State of Texas.

VIII. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against PETITIONER'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.

IX. RESTORATION OF UNENCUMBERED LICENSE(S) AND/OR FULL PRESCRIBING AUTHORIZATION

With the exception of PETITIONER'S Prescription Authorization as a Family Nurse Practitioner, upon full compliance with the terms of this Agreed Order, all other encumbrances will be removed from PETITIONER'S license(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.

Upon full compliance with the terms of this Order, PETITIONER'S Prescription Authorization as a Family Nurse Practitioner shall remain **LIMITED** and **PETITIONER SHALL NOT be authorized to prescribe or order any controlled substances** until such time that PETITIONER petitions and obtains written authorization from the Board to prescribe controlled substances, subject to the following additional requirements:

- A. PETITIONER shall not petition the Board for the authority to prescribe controlled substances until PETITIONER has successfully completed all of the terms and requirements of this Order.

- B. Upon petitioning for reinstatement of authority to prescribe controlled substances, PETITIONER SHALL satisfy all then existing requirements in addition to having completed ten (10) hours of continuing education (CE) approved by the Board that relates to diagnosis and treatment of chronic pain. The topics covered by such CE must include: risk assessment, urine drug testing, addictions, evidence based conservative treatment options, care of patients with mental health co-morbidities and accidental lethal drug overdose.
- C. The Board may impose additional restrictions or stipulations to accompany the re-issuance of the PETITIONER'S authority to prescribe controlled substances, as deemed appropriate and necessary by the Board.
- D. PETITIONER shall not re-register or otherwise obtain a DEA Controlled Substances Registration Certificate(s) and/or any other government issued certificates or authorizations to prescribe controlled substances until PETITIONER obtains authorization in writing from the Board to prescribe controlled substances.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

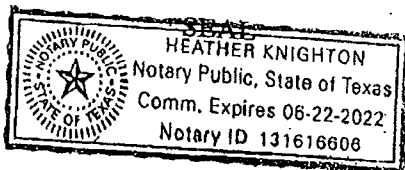
I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 23 day of SEPTEMBER 2020.

Ngozika Tracey Njoku
NGOZIKA TRACEY NJOKU, PETITIONER

Sworn to and subscribed before me this 23 day of September 2020.



Heather Knighton
Notary Public in and for the State of TX

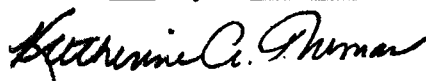
Approved as to form and substance.

M. Wozny
Ryan D. Wozny, Attorney for Petitioner

Signed this 30th day of September, 2020.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 23rd day of September, 2020, by NGOZIKA TRACEY NJOKU, Advanced Practice Registered Nurse License Number AP135461 with Prescription Authorization Number 24508, Registered Nurse License Number 925485 & PETITIONER for Eligibility for Licensure, and said Agreed Order is final.

Effective this 10th day of November, 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