



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
ABIOLA FAKOYA,	§	FOR
Vocational Nurse License Number 331688	§	DISCIPLINE & ELIGIBILITY
& PETITIONER for Eligibility for Licensure	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Vocational Nurse License Number 31688 and the Application by Examination, which has been processed as a Petition for Declaratory Order, hereinafter referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §217.2(b) and §213.30, and supporting documents filed by ABIOLA FAKOYA, hereinafter referred to as Petitioner, requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, 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)(13) and 301.453, Texas Occupations Code.

Petitioner waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 14, 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 Agreed Order.
3. Petitioner received a Certificate in Vocational Nursing from Galen College of Nursing, San Antonio, Texas, on June 22, 2015, and received an Associate Degree in Nursing from

Houston Community College, Houston, Texas, on August 16, 2020. Petitioner was licensed to practice vocational nursing in the State of Texas on May 5, 2016.

4. Petitioner's license to practice as a vocational nurse in the State of Texas is in current status.
5. Petitioner's nursing employment history includes:

05/2016 – 05/2016	Unknown	
06/2016 – 01/2018	Staff LVN	Huebner Creek Health & Rehabilitation Center San Antonio, Texas
10/2016 – 01/2018	Private Duty LVN	Pediatric Private Duty Nursing, Inc. San Antonio, Texas
02/2018 – 08/2019	Staff LVN	Solera at West Houston Houston, Texas
07/19 -- Present	Infirmary LVN	Harris County Sheriff's Office Houston, Texas
6. At the time of the incident, Petitioner was employed as a Licensed Vocational Nurse (LVN) with Solera at West Houston, Houston, Texas, and had been in that position for one (1) year and one (1) month.
7. On or about March 11, 2019, while employed as a Licensed Vocational Nurse (LVN) with Solera at West Houston, Houston, Texas, Petitioner failed to document the blood sugar level reading of Resident AQ at 0630 in the patient's medical record. Resident AQ was a diabetic with end-stage renal disease.
8. In response to Finding of Fact Number Seven (7), Petitioner states he was supposed to leave his shift at 0600; however, the oncoming shift nurse was running late. Petitioner states that he held the resident's insulin at 0630 because he wasn't sure when breakfast was going to be served. Petitioner states he notified the oncoming shift nurse about the patient's normal blood sugar level and that he held the insulin when she arrived at about 0700 and she said she would follow-up. There is documentation of the bedside report and conversation among the Petitioner, the oncoming nurse, and the patient in the medical record.
9. On or about June 27, 2020, Petitioner submitted the Petition requesting a determination of eligibility for licensure.

10. Petitioner provided the following letter of support/recommendation to the Board from his current DON and person with whom he had worked at Solera:
 - Portia Robinson, RN, DON at Heritage Park of Katy
11. On or about November 23, 2020, Petitioner passed the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination).
12. On or about January 08, 2021, Respondent successfully completed a Board approved course in Sharpening Critical Thinking Skills, which would have been a requirement of this Order.
13. On or about January 09, 2021, Respondent successfully completed a Board approved course in Nursing Jurisprudence and Ethics, which would have been a requirement of this Order.
14. 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.
15. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
16. 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.
17. 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 June 27, 2020, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.2(b) and §213.30.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D).

4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(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 his 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 LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that PETITIONER SHALL receive the sanction of **REMEDIAL EDUCATION**, the PETITION is hereby **GRANTED**, and upon payment of any required fees and meeting all other applicable requirements, PETITIONER SHALL be issued the applicable license to practice nursing in the State of Texas in accordance with the terms of this Order.

- A. PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Vocational Nurse (GVN) and/or as a Graduate Nurse (GN), as applicable, in the State of Texas.
- B. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- C. 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 will be designated "single state" and PETITIONER 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, 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. 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 the effective date of this Order, unless otherwise specifically indicated:

- A. 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.

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.*

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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.

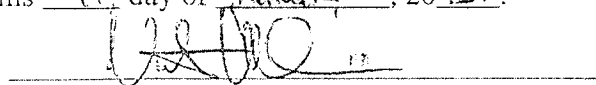
Signed this 11 day of January, 2021.



ABIOLA FAKOYA, PETITIONER

Sworn to and subscribed before me this 11 day of January, 2021.

SEAL



Notary Public in and for the State of Texas

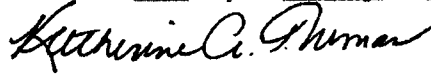
Approved as to form and substance.

Joyce Lilly, Attorney for Petitioner

Signed this _____ day of _____, 20____.

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 11th day of January, 2021, by ABIOLA FAKOYA, Vocational Nurse License Number 331688 & PETITIONER for Eligibility for Licensure, and said Agreed Order is final.

Effective this 19th day of January, 2021.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas". The signature is fluid and cursive, with the first name being the most prominent.

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