

# BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
Advanced Practice Registered Nurse License	§	
Number AP119969 with Prescription	§	
Authorization Number 11027	§	
& Registered Nurse License Number 729636	§	
issued to BEATRICE NGONDE NKWELLE	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BEATRICE NGONDE NKWELLE, Advanced Practice Registered Nurse License Number AP119969 with Prescription Authorization Number 11027, and Registered Nurse License Number 729636, 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.

An informal conference was conducted on February 2, 2021, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared by telephone. Respondent was represented by Don Karotkin, Attorney at 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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Family Nurse Practitioner is in current status with Prescription Authorization Number 11027 in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on May 13, 2006. Respondent completed a Family Nurse Practitioner Program from Texas Woman's University, Houston, Texas, on August 13, 2010.

Respondent was licensed to practice professional nursing in the State of Texas on June 22, 2006. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner on January 31, 2011. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner with Prescription Authorization on January 31, 2011.

5. Respondent's nursing employment history includes:

2006 – 2007	Staff Nurse	Willow Brook Methodist Hospital Houston, Texas
2007 - 2009	Staff Nurse	North Cypress Medical Center Houston, Texas
2009 – 8/2010	Staff Nurse	Select Specialty Houston, Texas
2009 – 8/2010	Staff Nurse	Memorial Hermann Hospital Katy, Texas
2006 - 2010	Staff Nurse	M.D. Anderson Cancer Center Houston, Texas
2010 – Present	Family Nurse Practitioner	IHealth Family Care Nurse Practitioner Services Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Family Nurse Practitioner with IHealth Family Care Nurse Practitioner Services, Houston, Texas, and had been in that position for eight (8) years.

7. On or about December 9, 2018 through February 8, 2019, while employed as a Family Nurse Practitioner with, and the owner of, Ihealth Family Care, Houston, Texas, and on assignment at Oakmont Healthcare & Rehabilitation Center, Katy, Texas, Respondent failed to evaluate the medical appropriateness of continued Depakene (Valproic Acid) therapy, including the possibility of discontinuing the medication and/or prescribing an alternate medication, because Patient JB began experiencing thrombocytopenia after the medication was prescribed on November 21, 2018. Thrombocytopenia and hemorrhage are known, life-threatening adverse reactions to Depakene (Valproic Acid) therapy. On February 9, 2019, the patient was found to be unresponsive and was transported to a local acute care facility, where an MRI of the patient's brain indicated the patient had sustained a possible subarachnoid hemorrhage and suspected subdural hemorrhages. Respondent's conduct was likely to injure the patient from excessive bleeding.

8. On or about September 25, 2019, while employed as a Family Nurse Practitioner with, and the owner of, Ihealth Family Care, Houston, Texas, and on assignment at Oakmont

Healthcare & Rehabilitation Center, Katy, Texas, Respondent documented twelve (12) detailed supplemental notes, dated between December 1, 2018, and January 30, 2019, in the medical record of the aforementioned Patient JB in order to reflect collaboration with a psychiatric mental health nurse practitioner after having receiving the Board's notice of investigation letter. Respondent's conduct may have created inaccurate medical records.

9. In response to Finding of Fact Number Seven (7), Respondent states a psychiatric mental health nurse practitioner was managing patient's Depakote and behavioral issues. In response to Finding of Fact Number Eight (8), Respondent states that all of her entries in the patient's medical record are genuine, true, and correct.

### 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),(1)(M),(1)(N),(1)(P)&(4) 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 Advanced Practice Registered Nurse License Number AP119969 with Prescription Authorization Number 11027, and Registered Nurse License Number 729636, heretofore issued to BEATRICE NGONDE NKWELLE.
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, subject to ratification by the Texas Board of Nursing, that Advanced Practice Registered Nurse License Number AP119969 with Prescription Authorization Number 11027, and Registered Nurse License Number 729636, previously issued to BEATRICE NGONDE NKWELLE, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and

RESPONDENT is hereby placed on **PROBATION** for a minimum of two (2) years **AND** until RESPONDENT fulfills the additional requirements 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" 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 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 "Determining APRN Scope of Practice,"** a 1.4 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-aprnscope> or from the "CNE Workshops/Webinars" section of the Board's website under "News" menu.
- E. **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), 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. **APRN EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT 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, Respondent 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:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT 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, 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:** RESPONDENT 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 RESPONDENT by the Board, to the Board's office within ten (10) days of receipt of this Order. 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. **Indirect Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, 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.

- D. **Monitored Practice:** For the remainder of the stipulation/probation period, RESPONDENT'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 RESPONDENT who has been approved by the Board. RESPONDENT 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 RESPONDENT'S receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT 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.
- E. **Nursing Performance Reports:** RESPONDENT SHALL CAUSE each supervising/monitoring 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/monitors the RESPONDENT 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.

**VI. 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.

**VII. 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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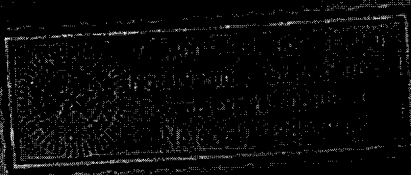
## RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I 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 proceedings in this matter. I waive judicial review of this Order. I understand that this Order, as signed and ratified by the Texas Board of Nursing and a copy of this Order will be mailed to me by the Board. 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 to practice nursing in the State of Texas as a nurse practitioner.

And on this 8 day of April, 2021

PEARL J. [Signature]  
FILED IN CONFORMANCE WITH THE RESPONDENT

Noted and acknowledged to me this 08 day of April, 2021



[Signature]  
Notary Public for the State of

Agreed to in and to me

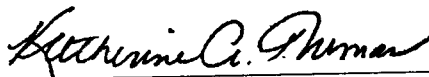
Don [Signature]

Notary Public, Attorney for Respondent

And on this 08 day of April, 2021

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 8th day of April, 2021, by BEATRICE NGONDE NKWELLE, Advanced Practice Registered Nurse License Number AP119969 with Prescription Authorization Number 11027 and Registered Nurse License Number 729636, and said Agreed Order is final.

Effective this 11th day of May 2021.

A handwritten signature in cursive script, reading "Katherine A. Thomas", is written over a horizontal line.

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