

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 927827	§	
issued to NTOSENGEH SIMON MEKIKI	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NTOSENGEH SIMON MEKIKI, Registered Nurse License Number 927827, 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.

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 January 27, 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 a Diploma in Nursing from the Government Training School of State Registered Nurses, Cameroon, Bamenda, Free Republic of Cameroon, Africa, on July 1, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 18, 2017.
5. Respondent's nursing employment history includes:

07/2017 – 11/2017	Registered Nurse	Diversicare of Lake Highlands Dallas, Texas
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Respondent's nursing employment history continued:

09/2017 – 01/2019

Registered Nurse

Epic Health Services
Mesquite, Texas

11/2017 – Present

Registered Nurse

New Hope Home Health Inc.
Dallas, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Epic Health Services, Mesquite, Texas, and had been in that position for one (1) year and two (2) months.
7. On or about November 27, 2018, while employed as a Registered Nurse with Epic Health Services, Mesquite, Texas, and assigned to provide care to Patient A.G., Respondent playfully and gently patted the patient on his buttocks while he was changing his diaper. Respondent's conduct could have created an unsafe environment and potentially exposed the patient to a risk of harm.
8. In response to the incident in Findings of Fact Numbers Seven (7), Respondent admits to gently 'patting' the patient on the buttocks while changing his diaper. This was an isolated incident that was never intended in a harmful manner and never put the patient in any actual risk of harm. Mr. Mekika was trying to connect with the patient in a playful manner and was always gentle with his actions.

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)(M) and 22 TEX. ADMIN. CODE §217.12 (1)(A), (1)(B),(4)&(6)(C).
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 927827, heretofore issued to NTOSENGEH SIMON MEKIKKA.
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 that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION** in accordance with the terms 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" and RESPONDENT 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, 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. **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.*

V. 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.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I have exercised this right. I understand the nature of this 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 on my part. I understand the nature of this Order. I understand that this Order is subject to ratification by the Board of Nursing and a copy of this Order will be mailed to me. 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 action, including possible revocation of my license and my privilege to practice nursing in the State of Texas, as well as suspension of my nursing privileges.

Signed this 23 day of JUNE, 2021.

[Signature]
STATIONER, SIMON MIERKA, RESPONDENT

Exhibits and subject of this Order are the _____ day(s) _____ 2021.

County of _____ State of _____

Approved as to form and substance.

[Signature]
Executive Director, American Nurses Association

Signed this _____ day of _____, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 23rd day of June, 2021, by NTOSENGEH SIMON MEKIKI, Registered Nurse License Number 927827, and said Agreed Order is final.

Effective this 30th day of June, 2021.

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

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