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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	
LIVINA CHIKA AKPUNKU,	§	AGREED ORDER
Advanced Practice Registered Nurse License Number	§	FOR
AP128478 with Prescription Authorization Number 18251,	§	ELIGIBILITY &
Registered Nurse License Number 667998,	§	DISCIPLINE
Vocational Nurse License Number 170128	§	
& 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 AP128478 with Prescription Authorization Number 18251, Registered Nurse License Number 667998 & Vocational Nurse License Number 170128, and the Application for APRN Additional Population Focus with Prescription Authorization, 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 LIVINA CHIKA AKPUNKU, 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)(1)&(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 April 20, 2021.

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. On or about August 4, 2020, Petitioner submitted the Petition requesting a determination of eligibility for licensure.
4. Petitioner received a Certificate in Vocational Nursing from the Nigerian Teaching Hospital on November 1, 1990. Petitioner received a Baccalaureate Degree in Nursing from The University of Texas, Arlington, Texas, on May 13, 2006. Petitioner received a Master of Science Degree in Nursing from Texas A&M University, Corpus Christi, Texas, on May 5, 2015. Petitioner received a Post Masters Certification from the Family Psychiatric/Mental Health Nurse Practitioner (PMHNP) program at Midwestern State University, Wichita Falls, Texas, in August 2017. Petitioner was licensed to practice vocational nursing in the State of Texas on October 28, 1998. Petitioner was licensed to practice professional nursing in the State of Texas on April 10, 2000. Petitioner was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner (FNP) with Prescription Authorization on July 7, 2015.
5. Petitioner's license to practice as a vocational nurse in the State of Texas is in delinquent status. 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.
6. Petitioner's nursing employment history includes:

11/1998 – 12/2000	Unknown	
2001 – 2008	RN	Parkland Health & Hospital System Dallas, Texas
2009 – 2010	RN	Padre Behavioral Hospital Corpus Christi, Texas
10/2010 – 11/2012	RN	Corpus Christi Specialty Hospital Corpus Christi, Texas
12/2012	Unknown	

Petitioner's nursing employment history continued:

1/2013 – 8/2015	RN	Post-Acute Medical Hospital Corpus Christi, Texas
9/2015 – 2/2017	FNP	Wound Technology Network Corpus Christi, Texas
5/2016 – 8/2018	FNP	Gabbard Clinic Metro Ministries Corpus Christi, Texas
11/2017 – 11/2018	PMHNP	Psychiatric Consulting Services Corpus Christi, Texas
1/2020 – 7/2020	PMHNP	Senior Psychcare Houston, Texas
8/2020 – Present	Unknown	

7. On or about November 2017, through November 2018, while licensed as a Family Nurse Practitioner, and employed with Psychiatric Consulting Services, Corpus Christi, 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.
8. On or about December 2018, through December 2019, while licensed as a Family Nurse Practitioner, and employed with Centric Physicians Group, Boerne, 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.
9. On or about January 15, 2020, through July 29, 2020, while licensed as a Family Nurse Practitioner, and employed with Senior PsychCare, San Antonio, 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.

10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Petitioner states this is an innocent oversight. Petitioner states she did not realize she needed more than her Psychiatric Mental Health Nurse Practitioner certification to practice in Texas.
11. 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.
12. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
13. 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.
14. 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 August 4, 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)&(4)(A), 221.4(a)(10) & 221.12(1).
4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(1)&(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 LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that PETITIONER SHALL receive the sanction of **REMEDIAL EDUCATION WITH A FINE** and the PETITION for APRN Additional Population Focus with Prescription Authorization 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 as an Advanced Practice Registered Nurse (APRN) with authorization as a Psychiatric/Mental Health Nurse Practitioner (PMHNP) with Prescription Authorization in the State of Texas in accordance with the terms of this Order.

- 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(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 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 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 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.*

IV. MONETARY FINE

PETITIONER SHALL pay a monetary fine in the amount of seven hundred fifty dollars (\$750.00) within forty-five (45) days of the effective date of this Order.

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.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this 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 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.

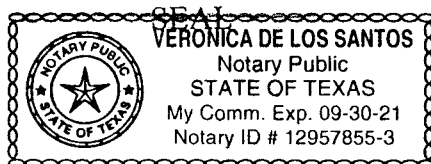
I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

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 24th day of May, 2021.

LIVINA CHIKA AKPUNKU, PETITIONER

Sworn to and subscribed before me this 24 day of May, 2021



V. de los Santos
Notary Public in and for the State of Texas

Approved as to form and substance.

Willie Schmerler, Attorney for Petitioner

Signed this 24 day of MAY, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of May, 2021, by LIVINA CHIKA AKPUNKU, Advanced Practice Registered Nurse License Number AP128478 with Prescription Authorization Number 18251, Registered Nurse License Number 667998, Vocational Nurse License Number 170128 & PETITIONER for Eligibility for Licensure, and said Agreed Order is final.

Effective this 22nd day of July 2021.

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