BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	
Advanced Practice Registered Nurse License	§	AGREED ORDER
Number AP132623	§	FOR
& Registered Nurse License Number 606821	§	DISCIPLINE &
issued to NELLY OKERE & PETITIONER for	§	ELIGIBILITY
Eligibility for Licensure	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NELLY OKERE, Advanced Practice Registered Nurse License Number AP132623, and Registered Nurse License Number 606821 and the Petition for Licensure as an Advanced Practice Registered Nurse with authorization as a Psychiatric/Mental Health Nurse Practitioner with Prescription Authorization, hereinafter referred to as the Petition, and supporting documents filed by NELLY OKERE, hereinafter referred to as PETITIONER, 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 pursuant to Section 301.452(b)(10)&(13)(effective through 8/31/21) and Section 301.452(b)(14)(effective 9/1/21), Texas Occupations Code.

Petitioner waived notice and hearing and agreed to the entry of this Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on October 13, 2023.

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'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 with authorization as a Family Nurse Practitioner is in current status with Prescription Authorization Number in current status. Petitioner's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Psychiatric/Mental Health Nurse Practitioner without Prescription Authorization is in current status.

4. Petitioner received a Baccalaureate Degree in Nursing from University of Texas Health Science Center, Houston, Texas, on April 1, 1994. Petitioner completed a Family Nurse Practitioner Program from Maryville University, St Louis, Missouri, on August 1, 2016. Petitioner completed a Psychiatric/mental Health Nurse Practitioner Program from Maryville University, St Louis, Missouri, on December 1, 2019. Petitioner was licensed to practice professional nursing in the State of Texas on July 11, 1994. Petitioner was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner on November 15, 2016. 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 November 15, 2016. Petitioner was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Psychiatric/mental Health Nurse Practitioner on May 22, 2020.

5. Petitioner's nursing employment history includes:

7/1994 – 10/1994	Registered Nurse	St John's Hospital Clear Lake, Texas
11/1994 – 1996	Registered Nurse	Sunnyside Elementary School Houston, Texas
11/1995 – 1997	Registered Nurse	Maternal Child Care Unknown
3/1995 – 1998	Registered Nurse	Pediatric Special Care Unknown
3/1996 – 2000	Registered Nurse	Memorial Hermann Home Health Houston, Texas
2001	Unknown	
1/2002 – 2002	Registered Nurse Agency Nurse	The Right Solution Unknown

Petitioner's nursing employment history continued:

12/2002 – 2004	Registered Nurse	Triumph Hospital Sugarland, Texas
12/2004 – 6/2015	Registered Nurse	Tandem Health Services Sugarland, Texas
2/2014 – 11/2016	Registered Nurse	Tandem Premier Staffing Houston, Texas
9/2019 – 12/2019	Advanced Practice Registered Nurse	Family Psychiatry, League City, Texas
6/2020 – Present	Advanced Practice Registered Nurse, in the role of Psychiatric and Mental Health Nurse Practitioner	Tandem Psychiatric and Family Practice, Stafford, Texas

6. At the time of the initial incident, Petitioner was employed as an Advanced Practice Registered Nurse with Tandem Psychiatric and Family Practice, Stafford, Texas, and had been in that position for one (1) year and two (2) months.

7. On or about August 26, 2021, through September 7, 2021, while working with Tandem Psychiatric and Family Practice, Stafford, Texas, as an Advanced Practice Registered Nurse, in the role of Psychiatric and Mental Health Nurse Practitioner, and providing care for Patient ZC, Petitioner failed to document reassessment of her plan of care after receiving medical records from the patient's previous provider. The records indicated the patient had been prescribed Clonazepam for nearly thirty (30) years and had run out of her medication on August 23, 2021. Petitioner failed to appropriately taper the patient's prescription for Clonazepam and/or document education to Patient ZC regarding the risk of withdrawal from Clonazepam, including seizures and death.

8. In response to Finding of Fact Number Seven (7), Petitioner reported the patient was seen virtually August 23, 2021, for initial psychiatric evaluation, the patient's previous psychiatric record was not available at the time of the evaluation, and she was concerned the patient was at high risk of overdose if prescribed benzodiazepine along with the opiate she was using.

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 7, 2023, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.

3. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13)(effective through 8/31/2021), Texas Occupations Code.

4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.

5. 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.

6. Notice was served in accordance with law.

7. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11 (1)(A),(1)(B),(1)(C),(1)(M)&(4)(A) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B)&(4).

8. The evidence received is sufficient cause pursuant to Section 301.452(b) 10)&(13)(effective through 8/31/21) and Section 301.452(b)(14)(effective 9/1/21), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse

License Number AP132623, and Registered Nurse License Number 606821, heretofore issued to NELLY OKERE.

9. 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 **WARNING WITH STIPULATIONS** in accordance with the terms of this Order and the petition for licensure as an Advanced Practice Registered Nurse and Prescriptive Authority is **GRANTED**, and upon payment of the required fees and meeting all other applicable requirements, PETITIONER SHALL be issued the applicable license to practice as an Advanced Practice Registered Nurse (APRN) in the State of Texas, in accordance with the terms of this Order..

A. This Order SHALL apply to any and all future licenses issued to PETITIONER to practice nursing in the State of Texas.

B. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

C. Until successfully completed, PETITIONER may not practice nursing in the State of Texas except in accordance with the terms of this Order.

D. 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.   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 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) International Center for Regulatory Scholarship (ICRS).

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 <u>not</u> being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at <u>www.bon.texas.gov/compliance</u>.*

V.   **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, <u>for a minimum of sixty-four (64) hours per month</u> for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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 <u>and will not count towards completion of this requirement.</u> 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. **Incident Reporting:** PETITIONER SHALL CAUSE each employer, practice site and/or credentialing agency in nursing to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving PETITIONER, as well as documentation of any internal investigations regarding action by PETITIONER, to the attention of Monitoring at the Board's office.

D. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each supervising 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 the PETITIONER and these reports shall be submitted by the supervising Advanced Practice Registered Nurse or Physician to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

VI. 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.

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 _____ day of _____, 20____.

Nelly Okere

NELLY OKERE, PETITIONER

Sworn to and subscribed before me this _____ day of _____, 20____.

     SEAL   _____

                           Notary Public in and for the State of _____

Approved as to form and substance.

_____
Allena Wright Haynes, Attorney for Petitioner

Signed this _____ day of _____, 20____.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of October, 2023, by NELLY OKERE, Advanced Practice Registered Nurse License Number AP132623, and Registered Nurse License Number 606821 and PETITIONER for Eligibility for Licensure, and said Agreed Order is final.

Effective this 14th day of November, 2023.

Kristin K. Benton, DNP, RN

Kristin K. Benton, DNP, RN
Executive Director on behalf
of said Board