

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	REINSTATEMENT
Registered Nurse License Number 780328	§	AGREED ORDER
issued to WINNIE EBELE OBIGBO	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement, hereinafter referred to as the Petition, of Registered Nurse License Number 780328, held by WINNIE EBELE OBIGBO, hereinafter referred to as Petitioner.

Petitioner waived notice and hearing and agreed to the entry of this Reinstatement Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on January 4, 2024.

### 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 Reinstatement Agreed Order.
3. Petitioner received a Diploma in Nursing from the Training School for State Registered Nurses Bamenda, Bamenda Cameroon, on August 1, 1997. Petitioner was granted a temporary license to practice professional nursing in the State of Texas on September 16, 2009, and was subsequently granted a permanent license to practice professional nursing in the State of Texas on January 28, 2010.
4. Petitioner's nursing employment history includes:
 

9/2009 – 10/2011	RN	MGA Home Health Plus Service, Inc., Cedar Hill, Texas
03/2011 – 10/2011	RN – Quality Assurance	MGA Home Health Plus Service, Inc., Cedar Hill, Texas
5. On or about October 28, 2011, Petitioner's license(s) to practice nursing in the State of Texas was Revoked through an Order of the Board. A copy of the October 28, 2011, Order

is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.

6. On or about November 11, 2021, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
7. Petitioner presented the following in support of said petition:

A. Credential evaluation from Educational Records Evaluation Service dated October 31, 2019. In this evaluation, David Flores, Ph.D. found that Petitioner had the educational equivalent of an Associate's Degree in Nursing plus One-year of Undergraduate Coursework in Nursing, and U.S. Education and License Comparability to first level general Registered Nurse;

B. Credential evaluation from CGFNS International, dated June 15, 2021. In this evaluation, Nadesha Mercer found that the Petitioner had completed an education comparable to a first-level nurse (RN) diploma program in the United States and was licensed in Cameroon at the level of first-level nurse (RN) in the United States.

C. A letter from the Abah Olama Florent, Vice President of the Association of Medico-Sanitary Professions for the Republic of Cameroon, dated March 13, 2018, attesting that the Petitioner was legitimately registered with the Association.

D. A letter from Aminatou Abdoulaye Epse Belinga, President of the Association of Medico-Sanitary Professions for the Republic of Cameroon, dated April 29, 2019, indicating that when a challenge was made to Petitioner's registration, Mr. Belinga sent a team to Bamenda to verify Petitioner's standing with the Association, and that the Petitioner was verified in the register in Bamenda.

E. Performance evaluations for the years 2019, 2020, and 2021 from MGA Home Health Plus Services, Inc.

F. A letter from Florence Osuji, RN, the DON of MGA Home Health Plus Services, Inc., stating that the Petitioner has been working for MGA since August 2011, and that she is an asset to the agency, and that she is a very intelligent, well-organized, and relates well to other staff members.

G. A letter from Rose-Marie Onwumere, RN, BSN, MBA, the DON of Priority Home Health Agency, stating that the Petitioner assisted her agency back from 2009 – 2011 with chart audits, and that the results of her chart audits assisted the agency in going through a State survey and CHAP/Medicare certification and recertification with zero deficiencies.

E. A letter from Godson Gabriel, team leader of a church missionary group, stating that the Petitioner always shows compassion to those with whom she does volunteer work at Mission Arlington, and is dedicated to her work assignments at community events.

F. Documentation of the required continuing education contact hours.

8. 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 relicensure.
9. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
10. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. This reinstatement is made pursuant to Sections 301.453(c) and 301.467, Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26.
3. The Board may relicense 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.
4. 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).
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. REINSTATEMENT OF LICENSURE AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of WINNIE EBELE OBIGBO for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Registered Nurse License Number 780328 is/are hereby **REINSTATED** in accordance with the terms of this Order.

- A. Until successfully completed, this Order SHALL apply to any and all future licenses issued to PETITIONER to practice nursing in the State of Texas.
- 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. 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 Reinstatement Agreed Order.

## **III. REQUIREMENTS FOR REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN PROFESSIONAL REGISTERED NURSING**

Prior to practicing as a registered nurse in the State of Texas, PETITIONER SHALL:

- A. **Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Professional Registered Nursing** for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in professional registered

nursing. The application for the Six Month Temporary Permit is available via the Nurse Portal on the Board's website ([www.bon.texas.gov](http://www.bon.texas.gov)). PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in professional registered nursing.

- B. **Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for professional registered nursing. Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment.**

In order for the course to be approved, the target audience shall include registered nurses and the course's content shall, at a minimum, include: 1) Review of NPA, Rules, Position Statements; 2) Determination of Individual Scope of Practice and role in patient safety; 3) Review of the nursing process to include assessment, planning, implementation, and evaluation; 4) Pharmacology review; 5) Medication administration; 6) Documentation, quality assurance, and legal implication for nursing practice; and, 7) Documentation of current CPR certification prior to beginning precepted clinical learning experience. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care supervised by a qualified registered nurse instructor who meets or exceeds the Board's minimum criteria for eligibility as an instructor. Home study courses and video programs will not be approved.

- C. **Upon completion of the refresher course, extensive orientation, or nursing program of study for professional registered nursing,** PETITIONER SHALL return the temporary permit to the Board's office and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required 80 hours of supervised practice.

- D. **Upon verification of successful completion of the conditions** as set out in Paragraphs A through C of this Section, PETITIONER SHALL submit a completed License Reactivation Form for Registered Nurses, which is available via the Nurse Portal on the Board's website ([www.bon.texas.gov](http://www.bon.texas.gov)). PETITIONER shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be issued the applicable license to practice registered nursing in the State of Texas, which shall be subject to the terms of this Order.

#### 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 relicensure, 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 "Righting a Wrong," a 3.0 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 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. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER must work as a 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 a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" 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, PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Incident Reporting:** For the remainder of the stipulation/probation period, PETITIONER SHALL CAUSE each employer 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.
- E. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer 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 individual who supervises the PETITIONER and these reports shall be submitted by the supervising individual 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. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Reinstatement 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 understand this Order is conditioned upon the accuracy and completeness of my petition and disclosures. I further understand that subsequently discovered discrepancies in my petition and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

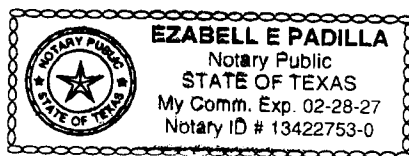
I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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.

Signed this 5 day of January, 20 21  
Winnie E Obigbo  
WINNIE EBELE OBIGBO, PETITIONER

Sworn to and subscribed before me this 5 day of January, 20 21

SEAL

[Signature]  
Notary Public in and for the State of TEXAS



Approved as to form and substance,

Marc M Meyer  
Marc Meyer, Attorney for Respondent.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 5<sup>th</sup> day of January, 2024, by WINNIE EBELE OBIGBO, Registered Nurse License Number 780328, and said Reinstatement Agreed Order is final.

Effective this 13<sup>th</sup> day of February, 2024.

*Kristin K. Benton, DNP, RN*

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

**DOCKET NUMBER 507-11-3081**

**IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 780328  
ISSUED TO  
WINNIE EBELE OBIGBO**

**§ BEFORE THE STATE OFFICE  
§ OF  
§ ADMINISTRATIVE HEARINGS  
§**

**OPINION AND ORDER OF THE BOARD**

**TO: WINNIE EBELE OBIGBO  
c/o JOHN BECK, ATTORNEY AT LAW  
DUNN, NUTTER & MORGAN, LLP  
3601 RICHMOND ROAD  
TEXARKANA, TX 75503-0716**

**HENRY D. CARD  
ADMINISTRATIVE LAW JUDGE  
300 WEST 15TH STREET  
AUSTIN, TEXAS 78701**

At the regularly scheduled public meeting on October 27-28, 2011, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt the PFD regarding the registered nursing license of Winnie Ebele Obigbo with changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. The Respondent filed Exceptions to the PFD on July 12, 2011. Staff filed a Response to the Respondent's Exceptions to the PFD on July 20, 2011. On July 22, 2011, the ALJ issued a final ruling, in which he declined to make any changes to the PFD.

The Board, after review and due consideration of the PFD, Respondent's Exceptions, Staff's Response to Respondent's Exceptions, the ALJ's July 22, 2011, letter ruling, Staff's recommendations, and Respondent's presentation during the open meeting,



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.  
*William O. Thomas*  
Executive Director of the Board

if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully set out and separately stated herein, except for Conclusion of Law Number 9, which is not adopted by the Board and is hereby re-designated as a recommendation. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

Conclusion of Law Number 9

The Board declines to adopt Conclusion of Law Number 9 because it is a recommended sanction and not a proper conclusion of law. The Government Code §2001.058(e) authorizes the Board to change a finding of fact or conclusion of law made by the ALJ, or to vacate or modify an order issued by the ALJ if the Board determines that the ALJ did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions. The ALJ did not properly apply or interpret applicable law in this matter when he included his recommended sanction as a conclusion of law.

A recommendation for a sanction is not a proper conclusion of law. While it may be appropriate for the ALJ to recommend a sanction, it is ultimately up to the Board to determine what the appropriate sanction should be. Further, the mere labeling of a recommended sanction as a conclusion of law or as a finding of fact does not change the effect of the ALJ's recommendation. Thus, the Board is not required to give presumptively binding effect to an ALJ's recommendation regarding sanctions in the same manner as with other findings of fact and conclusions of law. The Board, not the ALJ, is the final decision maker concerning sanctions. Once it has been determined that a violation of the law has occurred, the sanction is a matter for the agency's discretion. The choice of penalty is vested in the agency, not in the courts. Further, an agency has broad discretion in determining which sanction best serves the statutory policies committed to the agency's oversight. The propriety of a particular disciplinary measure is a matter of internal

administration with which the courts should not interfere. See *Texas State Board of Dental Examiners vs. Brown*, 281 S.W. 3d 692 (Tex. App. - Corpus Christi 2009, pet. filed); *Sears vs. Tex. State Bd. of Dental Exam'rs*, 759 S.W.2d 748, 751 (Tex.App. - Austin 1988, no pet); *Firemen's & Policemen's Civil Serv. Comm'n vs. Brinkmeyer*, 662 S.W.2d 953, 956 (Tex. 1984); *Granek vs. Tex. State Bd. of Med. Exam'rs*, 172 S.W.3d 761, 781 (Tex.App. - Austin 2005, pet. denied); *Fay-Ray Corp. vs. Tex. Alcoholic Beverage Comm'n*, 959 S.W.2d 362, 369 (Tex.App. - Austin 1998, no pet.).

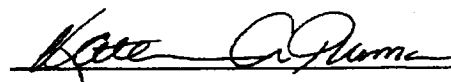
Based upon adopted Findings of Fact Numbers 10 through 18 and Conclusions of Law Numbers 6 through 8, the Board's Disciplinary Matrix for a violation of the Occupations Code §301.452(b)(8), and the Board's rules, including 22 Tex. Admin. Code §213.27 and §213.33, the Board agrees that the Respondent's license should be revoked. Thus, pursuant to applicable law, the Board re-designates Conclusion of Law Number 9 as a recommendation and adopts the ALJ's recommended sanction in this matter.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 780328, previously issued to WINNIE EBELE OBIGBO, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.

Entered this 28<sup>th</sup> day of October, 2011.

TEXAS BOARD OF NURSING

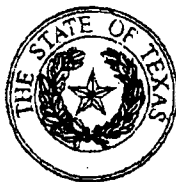


KATHERINE A. THOMAS, MN, RN

EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-11-3081 (June 30, 2011).

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

June 30, 2011

Katherine A. Thomas, M.N., R.N.  
Executive Director  
Texas Board of Nursing  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701

VIA INTER-AGENCY

**RE: Docket No. 507-11-3081; In the Matter of the Permanent  
License Number 780328 issued to Winnie Ebele Obigbo**

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at [www.soah.state.tx.us](http://www.soah.state.tx.us).

Sincerely,

  
Henry D. Card  
Administrative Law Judge

HD

C/lh

Enclosures

XC: Niki R. Hopkins, TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 - VIA INTER-AGENCY  
Dina Flores, Legal Assistant TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 - VIA INTER-AGENCY  
Jon Beck, Attorney, Dunn, Nutter & Morgan, L.L.P., 3601 Richmond Road, Texarkana, TX 75503-0716 - VIA REGULAR MAIL

**SOAH DOCKET NO. 507-11-3081**

<b>IN THE MATTER OF THE</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
	<b>§</b>	
<b>PERMANENT LICENSE</b>	<b>§</b>	
	<b>§</b>	
<b>NUMBER 780328 ISSUED TO</b>	<b>§</b>	<b>OF</b>
	<b>§</b>	
<b>WINNIE EBELE OBIGBO,</b>	<b>§</b>	
	<b>§</b>	
<b>RESPONDENT</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**PROPOSAL FOR DECISION**

The Staff of the Texas Board of Nursing (Staff or the Board) seeks revocation of the nursing license of the Respondent, Winnie Ebele Obigbo. The Staff filed a Motion for Summary Disposition, which the Administrative Law Judge granted. In accordance with that Order, the ALJ concludes the Respondent's license should be revoked, as recommended by the Staff.

**I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY**

The Board has jurisdiction over this matter under TEX. OCC. CODE ANN. §§ 301.441 through 301.555. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. Chapter 2003.

The Staff sent formal charges to Ms. Obigbo on September 20, 2010. She responded with a timely request for a hearing. The Staff sent notice of the hearing to Ms. Obigbo on February 2, 2011. The notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted, as required by TEX. GOV'T CODE ANN. §2001.052. After a continuance, the hearing was set for June 28, 2011.

On May 27, 2011, more than thirty days before the scheduled hearing date, the Staff filed its Motion for Summary Disposition and served that motion on Ms. Obigbo. Under SOAH's procedural rule governing summary dispositions, 1 TEX. ADMIN. CODE (TAC) § 155.505, Ms. Obigbo's response to the motion was due June 10, 2011. Ms. Obigbo did not file a response to the motion.

On June 21, 2011, the ALJ issued Order No. 2, which granted the Motion for Summary Disposition, canceled the hearing, and stated that a Proposal for Decision would be issued without an evidentiary hearing, as provided by 1 TAC § 155.505.

## II. DISCUSSION

Ms. Obigbo holds license number 780328 issued by the Board.

In its Motion for Summary Disposition, the Staff set out the following facts as undisputed:

1. In June of 2009, Respondent submitted an Examination Application for Graduates of Schools Outside of U.S.A. to the Arkansas State Board of Nursing (ASBN). Respondent was issued Registered Nurse License No. R84536 and Licensed Practice Nurse No. L49226.
2. On May 21, 2010, Respondent's license was summarily suspended by the ASBN for violating Arkansas Code Ann. §17-876-309(a)(1) (fraud or deceit in procuring a license) and (a)(6) (unprofessional conduct).
3. The ASBN Order suspending Respondent's license was sent to the address of record provided by Respondent to the ASBN, namely 7700 N. Chicot Road #G-203, Little Rock, AR 72209.
4. On September 10, 2009, Respondent submitted a Texas Online Endorsement Application, and was licensed in the state of Texas on January 28, 2010.
5. Respondent's Texas Online Endorsement Application required Respondent to attest to the following, "I will immediately notify the Board if at any time after signing this affidavit I no longer meet the eligibility requirements." Respondent checked "Yes."



6. Respondent received notice of the ASBN investigation and submitted a voluntary statement to the ASBN admitting this fact on or about December 1, 2009.
7. Despite her awareness of the ASBN's investigation and the allegations against her, Respondent did not appear in person before the hearing conducted by the ASBN on May 13, 2010.
8. Respondent had 30 days after service of the ASBN Suspension Order to request judicial review of the ASBN decision.
9. Respondent did not request review of the ASBN Suspension Order within 30 days.

The Staff's motion cited supporting evidence for each of those material facts.

Under 1 TAC § 155.505(d), the response to a motion for summary disposition is required to address each alleged undisputed material fact and indicate whether the party agrees or disagrees that the fact is undisputed. Ms. Obigbo did not file a response and therefore did not contest any of the alleged undisputed facts. Those facts are supported by the evidence cited by the Staff.

TEX. OCC. CODE ANN. § 301.452(b)(8) states:

- (b) A person is subject to denial of a license or to disciplinary action under this subchapter for:

\* \* \*

- (8) revocation, suspension, or denial of, or any other action relating to, the person's license or privilege to practice nursing in another jurisdiction;

In addition, 22 TAC § 213.27(d) states, in relevant part:

- (d) The following provisions shall govern the determination of present good professional character and fitness of a Petitioner, Applicant, or Licensee who has been licensed to practice nursing in any jurisdiction and has been disciplined, or allowed to voluntarily surrender in lieu of discipline, in that jurisdiction.

- (1) A certified copy of the order, judgment of discipline, or order of adverse licensure action from the jurisdiction is *prima facie* evidence of the matters contained in such order, judgment, or adverse action and is conclusive evidence that the individual in question has committed professional misconduct as alleged in such order of judgment.
- (2) An individual disciplined for professional misconduct in the course of practicing nursing in any jurisdiction or an individual who resigned in lieu of disciplinary action (disciplined individual) is deemed not to have present good professional character and fitness and is, therefore, ineligible to file an Application for Endorsement to the Texas Board of Nursing during the period of such discipline imposed by such jurisdiction, and in the case of revocation or surrender in lieu of disciplinary action, until the disciplined individual has filed an application for reinstatement in the disciplining jurisdiction and obtained a final determination on that application.
- (3) The only defenses available to a Petitioner, Applicant, or Licensee under section (d) are outlined below and must be proved by clear and convincing evidence:
  - (A) The procedure followed in the disciplining jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process.
  - (B) There was such an infirmity of proof establishing the misconduct in the other jurisdiction as to give rise to the clear conviction that the Board, consistent with its duty, should not accept as final the conclusion on the evidence reached in the disciplining jurisdiction.
  - (C) The deeming of lack of present good professional character and fitness by the Board during the period required under the provisions of section (d) would result in grave injustice.

- (D) The misconduct for which the individual was disciplined does not constitute professional misconduct in Texas.

None of the four defenses set out 22 TAC § 213.27(d)(3) has been asserted in this case.

The Board's penalty matrix, found at 22 TAC § 213.33(b), provides that revocation, denial, or voluntary surrender are the designated sanctions in Texas when revocation in another jurisdiction is based on practice violations or unprofessional conduct that could result in a similar sanction in Texas. The ASBN revocation was based on its finding that Ms. Obigbo had misrepresented her nursing education and, more generally, for unprofessional conduct, either of which could result in revocation under the Texas rule at 22 TAC § 213.33(b).

Based on the undisputed facts, the ALJ concludes that Ms. Obigbo's nursing license should be revoked pursuant to TEX. OCC. CODE ANN. § 301.452(b)(8), 22 TAC § 213.27(d), and 22 TAC § 213.33(b).

### III. FINDINGS OF FACT

1. Winnie Ebele Obigbo, Respondent, holds license number 780328 issued by the Texas Board of Nursing (the Board).
2. On September 20, 2010, the Board's Staff sent formal charges regarding her license to Ms. Obigbo on September 20, 2010.
3. Ms. Obigbo responded to the formal charges with a timely request for a hearing.
4. The Staff sent notice of the hearing to Ms. Obigbo on February 2, 2011.
5. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
6. After a continuance, the hearing was set for June 28, 2011.

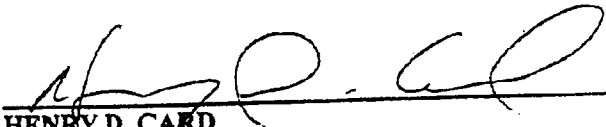
7. On May 27, 2011, more than thirty days before the scheduled hearing date, the Staff filed its Motion for Summary Disposition and served that motion on Ms. Obigbo.
8. Ms. Obigbo did not file a response to the Motion for Summary Disposition.
9. On June 21, 2011, the ALJ issued Order No. 2, which granted the Motion for Summary Disposition, canceled the hearing, and stated that a Proposal for Decision would be issued without an evidentiary hearing, as provided by 1 TAC § 155.505.
10. In June of 2009, Ms. Obigbo submitted an Examination Application for Graduates of Schools Outside of U.S.A. to the Arkansas State Board of Nursing (ASBN). Ms. Obigbo was issued Registered Nurse License No. R84536 and Licensed Practice Nurse No. L49226.
11. On May 21, 2010, Ms. Obigbo's license was summarily suspended by the ASBN for violating Arkansas Code Ann. §17-876-309(a)(1) (fraud or deceit in procuring a license) and (a)(6) (unprofessional conduct).
12. The ASBN Order suspending Ms. Obigbo's license was sent to the address of record provided by Ms. Obigbo to the ASBN, namely 7700 N. Chicot Road #G-203, Little Rock, AR 72209.
13. On September 10, 2009, Ms. Obigbo submitted a Texas Online Endorsement Application, and was licensed in the state of Texas on January 28, 2010.
14. Ms. Obigbo's Texas Online Endorsement Application required Ms. Obigbo to attest to the following, "I will immediately notify the Board if at any time after signing this affidavit I no longer meet the eligibility requirements." Ms. Obigbo checked "Yes."
15. Ms. Obigbo received notice of the ASBN investigation and submitted a voluntary statement to the ASBN admitting this fact on or about December 1, 2009.
16. Despite her awareness of the ASBN's investigation and the allegations against her, Ms. Obigbo did not appear in person before the hearing conducted by the ASBN on May 13, 2010.
17. Ms. Obigbo had 30 days after service of the ASBN Suspension Order to request judicial review of the ASBN decision.
18. Ms. Obigbo did not request review of the ASBN Suspension Order within 30 days.

#### IV. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter under TEX. OCC. CODE ANN. §§ 301.441 through 301.555.

2. The State Office of Administrative Hearings (SOAH) has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. Chapter 2003.
3. Adequate and timely notice of the hearing was provided in accordance with TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052.
4. The Staff's Motion for Summary Disposition complied with the requirements of 1 TAC § 155.505.
5. Under 1 TAC § 155.505(d), Ms. Obigbo's response to the Motion for Summary Disposition was due June 10, 2011.
6. As required by 1 TAC § 155.505, there is no genuine issue as to any material fact and the Staff is entitled to a decision in its favor as a matter of law.
7. Ms. Obigbo is subject to disciplinary action by the Board pursuant to TEX. OCC. CODE ANN. § 301.452(b)(8) and 22 TAC § 213.27.
8. Ms. Obigbo did not assert or prove any of the four defenses set out 22 TAC § 213.27(d)(3).
9. Ms. Obigbo's Texas nursing license should be revoked pursuant to TEX. OCC. CODE ANN. § 301.452(b)(8), 22 TAC § 213.27, and 22 TAC § 213.33(b).

SIGNED June 30, 2011.

  
HENRY D. CARD  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

# DUNN, NUTTER & MORGAN, L.L.P.

- ATTORNEYS AT LAW -  
Practicing in Arkansas & Texas

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THOMAS H. ARNOLD (Of Counsel)

CHARLES M. CONWAY (1925-1976)  
WILLIS B. SMITH (1903-1980)  
JAMES N. NUTT (1949-1983)  
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\* Board Certified-Residential Real Estate Law  
Texas Board of Legal Specialization  
Licensed also in Oklahoma

July 12, 2011


Administrative Law Judge  
State Office of Administrative Hearings  
PO Box 13025  
Austin, Texas 78711-3025

Re: In the Matter of Permanent Certificate Number 780328  
Issued to Winnie Ebele Obigbo  
Docket No. 507-11-3081

Dear Judge,

Enclosed, please find *Respondent's Exceptions to Proposal for Decision*. The same has been filed electronically through the State Office of Administrative Hearings Document Upload System and served upon opposing counsel.

Sincerely,



Jon Beck

Enclosure  
211083

DOCKET NO. 507-11-3081

IN THE MATTER OF	§	BEFORE THE
PERMANENT CERTIFICATE	§	
NUMBER 780328	§	STATE OFFICE OF
ISSUED TO	§	
WINNIE EBELE OBIGBO	§	ADMINISTRATIVE HEARINGS

**RESPONDENT'S EXCEPTIONS TO PROPOSAL FOR DECISION**

COMES NOW, Winnie Ebele Obigbo, Respondent herein, by and through her attorney of record, Jon Beck and respectfully states:

Respondent objects to the statement in the *Proposal for Decision* that Respondent's Arkansas nursing license was revoked. The Arkansas State Board of Nursing (ASBN) summarily suspended Respondent's nursing license after a hearing at which the Respondent was not present and of which the Respondent did not receive actual notice. Subsequently, Respondent voluntarily surrendered her Arkansas nursing license.

Respondent objects to the implication that Respondent has engaged in conduct that would result in revocation under the Texas rule at 22 TAC § 213.33(b). Although the ASBN found violations at a hearing at which the Respondent was not present, the record of the ASBN investigation demonstrates that the investigation was incomplete and biased. The investigation found no authority that contradicted the Respondent's credentials. The only source cited within the investigation that stated that the Respondent's credentials were anything less than authentic was from the undisclosed source that instigated the investigation. The undisclosed source instigated the investigation for malicious reasons.

The Respondent maintains that her credentials are valid. Because her credentials are valid, Respondent asserts that her conduct is not conduct that could result in revocation under the

Texas rule at 22 TAC § 213.33(b). Respondent asserts that the ASBN only found violations of the Arkansas rules because the investigation was incomplete and biased.

The record of the Arkansas investigation clearly demonstrates that the Arkansas investigator sought to prove the statements of the undisclosed email, biasing the investigation. These statements were not proven. Nor were the credentials of the Respondent discredited by any authority.

Respondent also asserts the mitigating circumstance of § 301.452(b)(8). Respondent failed to defend herself against the notice of violations from the ASBN because she did not receive actual notice of the hearing conducted on May 13, 2010. Notice was sent to 7700 N. Chicot Road #G-203, Little Rock, Arkansas 72209. The ASBN was well aware that the Respondent was living and working in Texas as it had sent all previous correspondence to her Texas address. The ASBN did not send a copy of the notice of the hearing to Respondent's Texas address, despite the fact that Respondent had requested the ASBN send correspondence to her Texas address.<sup>1</sup>

Respondent also prays the Board consider the letters of recommendation, which are part of the record herein, and the fact that Respondent has no history of complaints against her to this Board or any other, save for the one undisclosed person that alleged unproven discrepancies with her credentials to the ASBN for malicious reasons.

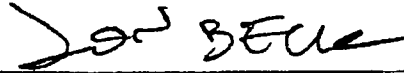
For these reasons, Respondent prays that the Texas Board of Nursing (the Board) issue a sanction less than revocation of her Texas nursing license. Respondent prays that the Board suspend her Nursing License and that such suspension is stayed, so that Respondent can continue to work in the State of Texas.

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<sup>1</sup> See Respondent's Exhibit 6b, Attachment 74, Page 29, attached to the Respondent's TRE Rule 902(10) Notice.



Respectfully submitted,



**JON BECK**

Tex. State Bar No.24071965, Ark. Bar No.2009124

Dunn, Nutter & Morgan, LLP

3601 Richmond Road

Texarkana, Texas 75503-0716

Telephone: (903) 793-5651

Facsimile: (903) 794-5651

**ATTORNEY FOR WINNIE EBELE OBIGBO**

### **CERTIFICATE OF SERVICE**

I, **JON BECK**, hereby certify that a true and correct copy of the above and foregoing *Motion* has been placed in the United States Mail, postage prepaid, addressed to the hereinafter named party, at her address as shown, on this 12<sup>th</sup> day of July, 2011, to-wit:

Nikki R. Hopkins  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701



**JON BECK**



## Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701  
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us  
Katherine A. Thomas, MN, RN  
Executive Director

July 20, 2011

Administrative Law Judge Harvel  
State Office of Administrative Hearings  
300 W. 15<sup>th</sup> St., suite 502  
Austin, Texas 78701

Re: In the Matter of Permanent Certificate No. 780328  
Issued to: WINNIE EBELE OBIGBO  
Docket No. 507-11-3081

Dear Judge Card:

Enclosed please find *Staff's Response to Respondent's Exceptions to Proposal for Decision*, regarding the above-entitled matter.

By copy of this letter I am forwarding a copy of this document to Respondent.

Thank you in advance for your time and assistance with this matter.

Sincerely,

Nikki Hopkins  
Assistant General Counsel

NRH/rm

cc: Winnie Ebele Obigbo c/o Jon Beck, 3601 Richmond Rd., Texarkana, TX 75503-0716

---

### Members of the Board

Linda Roenke, PhD, FNP, RN  
Galveston, President

Deborah Bell, CLU, ChFC Abilene	Kristin Beamon, MSN, RN Austin	Patricia Clapp, BA Dallas	Tamara Cowan, MN, RN Hartlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land
Bianca Rose Garcia, PhD, RN Corpus Christi	Richard Gibbs, LVN Mesquite	Kathy Lander-Horn, LVN Granbury	Josephus Lujan, PhD, RN El Paso	Beverley Jean Nuttall, LVN Bryan	Mary Jane Salgado, MEd Eagle Pass

DOCKET NO. 507-11-3081

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE	§	
NUMBER 780328	§	OF
ISSUED TO	§	
WINNIE EBELE OBIGBO	§	ADMINISTRATIVE HEARINGS

**STAFF'S RESPONSE TO**  
**RESPONDENT'S EXCEPTIONS TO PROPOSAL FOR DECISION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Staff of the Board of Nursing and files this, Staff's Response to Respondent's Exceptions to Proposal for Decision, and would show the Administrative Law Judge as follows:

When writing the Proposal For Decision ("PFD"), the ALJ may not consider any evidence that is not in the hearing record.<sup>1</sup> Section 2001.141 of the Administrative Procedures Act states that any Findings of Fact "may be based *only* on the evidence and on matters that are officially noticed." (emphasis added)

1. **Respondent's exceptions to the proposal for decision are an improper attempt to introduce evidence after the record has been closed.**

Respondent failed to submit any evidence in this matter prior to the record being closed. Staff of the Texas Board of Nursing submitted its motion for summary disposition on May 27, 2011, more than thirty (30) days before the scheduled hearing on June 28, 2011. Staff contacted the Respondent's attorney by phone on June 16, 2011, twenty (20) days after the motion was filed, and was told by Respondent's counsel Respondent did not intend to file a response. As stated in Finding of Fact 8, Respondent failed to file a response. Thus, Respondent waived her

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<sup>1</sup> See ADMIN. PROC. ACT §2001.141 and <http://www.soah.state.tx.us/about-us/fag/after-hearing.asp> summarizing SOAH's policy on exceptions.

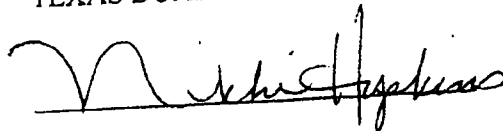
right to present evidence by failing to respond to the Board's motion for summary disposition pursuant to SOAH Rule 155.505.<sup>2</sup>

However, it appears that, by filing these exceptions, Respondent is attempting to file an untimely response to the Board's motion for summary disposition more than thirty-two (32) days after the response was due. Furthermore, Respondent's exceptions neither reference nor challenge a single finding of fact or conclusion of law in the PFD, each of which are conclusively supported evidence on the record. Respondent did not respond or raise any defense on the record. Thus, Respondent has no grounds for making an exception to any of the findings of fact or conclusions of law made in the ALJ's PFD.

#### VII. Prayer

WHEREFORE PREMISES CONSIDERED, Staff prays that the Administrative Law Judge make no modification or amendment to the Proposal For Decision.

TEXAS BOARD OF NURSING



Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6823  
F: (512) 305-8101

<sup>2</sup> TEX. ADMIN CODE § 155.505(d) states:

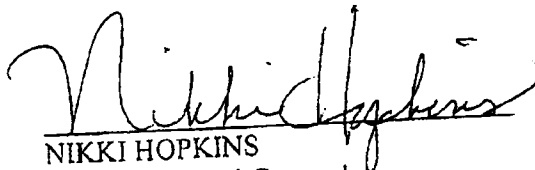
- (1) A response to a motion shall be filed within 14 days of receipt of the motion.
- (2) The response shall include a separate statement that:
  - (A) addresses each of the material facts contended by the moving party to be undisputed; and
  - (B) indicates whether the responding party agrees or disagrees that the facts are undisputed.
- (3) The response shall set forth plainly and concisely any other material facts that the responding party contends are disputed.
- (4) Each of the material facts claimed by the responding party to be disputed shall be followed by a clear and specific reference to the supporting evidence.
- (5) The response shall also include objections to the form of the motion and to the evidence.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was sent facsimile, on this, the 20<sup>th</sup> day of July, 2011 to:

Winnie Ebele Obigbo  
c/o Jon Beck  
Dun, Nutter & Morgan, L.L.P.  
3601 Richmond Rd.  
Texarkana, TX 75503-0716

SOAH Docketing

  
NIKKI HOPKINS  
Assistant General Counsel

## State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

July 22, 2011

VIA FACSIMILE 305-8101

Katherine A. Thomas, M.N., R.N.  
Executive Director  
Texas Board of Nursing  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701

RE: Docket No. 507-11-3081; In the Matter of the Permanent  
License Number 780328 issued to Winnie Ebele Obigbo

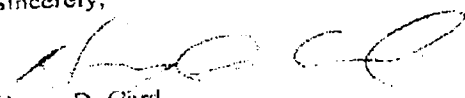
Dear Ms. Thomas:

I have reviewed the exceptions filed by Ms. Obigbo and the Staff's Response to those exceptions.

Page 5 of the Proposal for Decision mentions the "ASBN revocation." Ms. Obigbo is correct that her Arkansas license was not revoked. As stated elsewhere in Proposal and in Finding of Fact No. 11, Ms. Obigbo's Arkansas license was summarily suspended by the ASBN for violating Arkansas Code Ann. §17-876-309(a)(1) (fraud or deceit in procuring a license) and (a)(6) (unprofessional conduct).

Other than that clarification, I do not recommend any changes to the Proposal, the Findings of Fact and Conclusions of Law, or the ultimate recommendation.

Sincerely,



Henry D. Clard  
Administrative Law Judge

HDC/lh

XC:

Niki R. Hopkins, TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 - VIA FACSIMILE 305-8101  
Dina Flores, Legal Assistant TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 - VIA 305-8101  
Jon Beck, Attorney, Dunn, Nutter & Morgan, L.L.P., 3601 Richmond Road, Texarkana, TX 75503-0716 - VIA FACSIMILE 903-794-5651



## ARKANSAS STATE BOARD OF NURSING

1123 S. University Avenue, Suite 800, University Tower Building, Little Rock, AR 72204  
Phone: (501) 686-2700 Fax: (501) 686-2714 www.arsbn.org

STATE'S  
EXHIBIT

6

May 20, 2010

Texas Board of Nursing  
ATTN: Discipline  
333 Guadalupe, Ste. 3-460  
Austin, TX 78701

### CERTIFICATION

I, Phyllis DeClerk, Registered Nurse, Director of Nursing Practice, do hereby certify that the attached copy of the Arkansas State Board of Nursing's Findings of Fact / Conclusions of Law and Order, regarding Winnie Ebele Obigbo, Registered Nurse No. R84536 and Licensed Practical Nurse No. L49226, which is expired, DOB 03/05/1969; is a true and correct copy of the original documents on file in the office of the Arkansas State Board of Nursing.

*Phyllis DeClerk, RN.*

Phyllis DeClerk, RN  
Director of Nursing Practice



Faith Fields, MSN, RN  
Executive Director

Fred Knight  
General Counsel

#### Board Members:

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President  
Cabot

Gladwin Connell, D Min.  
Vice President  
Little Rock

Brenda Murphree, RN  
Secretary  
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Fordyce

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Camden

Cassandra Harvey, RN  
Brinkley

Karen Holcomb, RN  
Pine Bluff

Roger Huff, LPN  
Springdale

Sandra Priebe, MSN, RN  
Mountain Home

Doris Scroggin, RN  
Vilonia

Cathleen Shultz, PhD, RN  
Searcy

Richard Spivey, LPN  
Greenbrier

**BEFORE THE ARKANSAS STATE BOARD OF NURSING**

**IN THE MATTER OF:**

**WINNIE EBELE OBIGBO**

**RN LICENSE NO. R84536  
LPN LICENSE NO. L49226(EXPIRED)**

**FINDINGS OF FACT**  
**CONCLUSIONS OF LAW AND ORDER**

A hearing on the captioned matter was held before the Arkansas State Board of Nursing (hereinafter referred to as "the Board"), on May 13, 2010, in the Board Room of the Arkansas State Board of Nursing, 1123 South University, Suite 800, Little Rock, Arkansas. The Board was represented by its General Counsel, William F. Knight. Winnie Ebele Obigbo, Registered Nurse and Licensed Practical Nurse (hereinafter referred to as "Respondent"), did not appear in person before the Board and was not represented by counsel. The Order and Notice of Hearing was mailed to Respondent on May 13, 2010. On the basis of testimony and other evidence presented, the Board made the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Respondent is licensed as a registered nurse and licensed practical nurse and holds license numbers R84536 and L49226, which is expired.
2. On or about October 4, 2009, Sue Tedford, ASBN Assistant Director, received an anonymous complaint alleging that the Respondent had never attended RN School. The complaint stated that the Respondent had obtained a Transcript from Cameroon, Africa, but that the Respondent had never lived in Cameroon. The complaint stated the Respondent came to the United States from Nigeria in 2000.



**IN THE MATTER OF:**

**WINNIE EBELE OBIGBO**

**RN LICENSE NO. R84536  
LPN LICENSE NO. L49226(EXPIRED)**

3. After an investigation by Mr. Dan West, Mr. West could not find any evidence of the Respondent attending an RN Program in Cameroon, Africa.

**CONCLUSIONS OF LAW**

1. Pursuant to Ark. Code Ann. §17-87-309, the Board has subject matter and personal jurisdiction in this matter.

3. The Respondent is guilty of violating Arkansas Code Ann. §17-87-309(a)(1) and (a)(6).

**ORDER**

**IT IS THEREFORE ORDERED** by the Board that the license issued to Respondent be **SUMMARILY SUSPENDED**. Respondent must surrender her license to practice nursing to the Board immediately.

Respondent may request judicial review of the decision rendered by the Board by filing a petition in the Court of any county in which Respondent resides or does business or in the Circuit Court of Pulaski County within thirty (30) days after service upon Respondent of the Board's final decision.

DATED this 21<sup>st</sup> day of May, 2010.

IN THE MATTER OF:

WINNIE EBELE OBIGBO

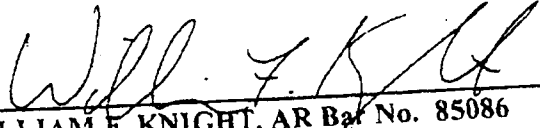
RN LICENSE NO. R84536


LPN LICENSE NO. L49226(EXPIRED)

ARKANSAS STATE BOARD OF NURSING



BY:

  
WILLIAM F. KNIGHT, AR Bar No. 85086  
ASBN General Counsel

  
PHYLLIS DeCLERK, RN  
ASBN Assistant Director  
University Tower Building, Suite 800  
1123 South University Avenue  
Little Rock, Arkansas 72204  
(501) 686-2700

IN THE MATTER OF:

WINNIE EBELE OBIGBO

RN LICENSE NO. R84536  
LPN LICENSE NO. L49226(EXPIRED)

CERTIFICATE OF SERVICE

I, Phyllis DeClerk, ASBN Assistant Director, do hereby certify that I have served a copy of the foregoing pleading by mailing a copy of same by certified, return receipt requested, U.S.

Mail, postage prepaid, this 21<sup>st</sup> day of May, 2010, to the following:

Winnie Ebele Obigbo  
7700 N CHICOT ROAD #G-203  
Little Rock, AR 72209

  
PHYLLIS DeCLERK, R.N.