



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.  
*Kristin K. Benton, DNP, RN*  
Kristin K. Benton, DNP, RN  
Executive Director  
Texas Board of Nursing

**DOCKET NUMBER 507-24-05522**

**IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER RN 938895,  
ISSUED TO  
CHRISTIANAH BELLO**

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

**OPINION AND ORDER OF THE BOARD**

**TO: ELISABETH "BETTY" SMITH  
7600 CHEVY CHASE DRIVE, SUITE 300  
AUSTIN, TEXAS 78752**

**WHITNEY L. STOEBCNER  
ADMINISTRATIVE LAW JUDGE  
PO BOX 13025  
AUSTIN, TX 78711-3025**

At the regularly scheduled public meeting on January 30, 2025, the Texas Board of Nursing (Board) considered the following items: the Proposal for Decision (PFD) regarding the above cited matter; Staff's recommendation to the Board regarding the PFD and order; and 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 ALJ issued an Exception Letter which found no exceptions were timely filed.

The Board, after review and due consideration of the PFD; Staff's recommendations; and the recommendations made by the Respondent, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

**Recommendation for Sanction**

Pursuant to Tex. Occ. Code. §301.459 (a-1), an Administrative Law Judge may make a recommendation regarding an appropriate action or sanction. The Board, however, has the sole authority and discretion to determine the appropriate action or sanction.

Respondent completed three post secondary education programs in Nigeria, a CNA program in 2009, attended two community colleges, and enrolled in 2015 in a legitimate nursing program which she failed out of.<sup>1</sup> "Respondent was aware that she did not successfully complete the EIC nursing program and did not obtain an associate degree from EIC. At some point after failing two classes at EIC in the spring semester of 2017, Respondent enrolled in a review class in New York for the NCLEX...While attending..., she learned about a review course at Palm Beach School of Nursing (PBSN) in Florida. The New York instructor who taught the review class informed Respondent that if she attended the PBSN review course she would be registered for the NCLEX, and tuition fees would be minimal."<sup>2</sup> During her time at PBSN, Respondent did not complete any clinical coursework, "only completed a review course and did not retake the classes that she failed at EIC or any other didactic or clinical courses."<sup>3</sup> Respondent did not successfully complete an approved program of registered nursing.<sup>4</sup> Respondent paid PBSN \$4,100.00 which is less than the \$7,000 that would have been required to graduate from her prior legitimate nursing program.<sup>5</sup>

When Respondent applied for licensure in New York initially, she falsely states she obtained an associate degree from PBSN, she resided in New York, her dates of attendance at PBSN, and failed to list her coursework at EIC and one of the community colleges she attended.<sup>6</sup> The ALJ found that Respondent knowingly engaged in fraud or deceit in procuring this initial license.<sup>7</sup> In applying to endorsement in Texas, Respondent made the following false statements: she obtained a degree from PBSN and the dates she attended PBSN.<sup>8</sup> The ALJ found that Respondent "made these false statements in order to mislead the Board regarding her educational qualifications."<sup>9</sup> After obtaining her Texas license, in August 2018 a pediatric patient whom Respondent was caring for in a home health setting experienced cardiac arrest and died because Respondent lacked sufficient orientation and training, failed to follow minimum standards and engaged in unprofessional conduct, failed to accurately assess the patient's breath status, failed to appropriately respond to an alarming pulse oximeter, and failed to accurately document her assessments.<sup>10</sup>

The Board agrees with the ALJ's finding that Respondent fraudulently obtained a nursing license and practiced nursing under an unlawfully obtained license, engaged in fraud or deceit in procuring a license to practice nursing, used a fraudulently issued nursing diploma, and engaged in unprofessional conduct.<sup>11</sup> Nursing practice under an unlawfully issued diploma is prohibited by the Nursing Practice Act.<sup>12</sup> If the Respondent continued to practice under her current credentials, she would continue to violate Tex.

---

<sup>1</sup> Findings of Fact 1-6, 11-13.

<sup>2</sup> Findings of Fact 14-15.

<sup>3</sup> Findings of Fact 20-22.

<sup>4</sup> Findings of Fact 20-22, 27.

<sup>5</sup> Finding of Fact 25.

<sup>6</sup> Finding of Fact 29.

<sup>7</sup> Finding of Fact 32.

<sup>8</sup> Finding of Fact 36.

<sup>9</sup> Finding of Fact 37.

<sup>10</sup> Finding of Fact 42.

<sup>11</sup> Conclusions of Law 5-7.

<sup>12</sup> Tex. Occ. Code § 301.451(3)(B).


Occ. Code § 301.451(3)(B), and by extension, Tex. Occ. Code § 301.452(b)(1). For this reason, the Board agrees with the ALJ's recommended sanction of revocation.

IT IS, THEREFORE, ORDERED THAT Registered Nurse License Number 938895, previously issued to CHRISTIANAH BELLO, to practice nursing in the State of Texas be, and the same are 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 30th day of January, 2025.

TEXAS BOARD OF NURSING

  
\_\_\_\_\_  
Kristin K. Benton, DNP, RN  
EXECUTIVE DIRECTOR FOR THE BOARD

Attachments: Proposal for Decision; Docket No. 507-24-05522 (September 6, 2024),  
Exceptions Letter issued September 24, 2024.

FILED  
507-24-05522  
9/6/2024 12:39 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Amy Robles, CLERK

ACCEPTED  
507-24-05522  
9/6/2024 12:42:17 pm  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Amy Robles, CLERK

# State Office of Administrative Hearings

Kristofer S. Monson  
Chief Administrative Law Judge

September 6, 2024

Texas Board of Nursing  
Attn. JoAnna Starr, Staff Attorney

**VIA EFILE TEXAS**

Elisabeth "Betty" Smith  
Attorney for Respondent

**VIA EFILE TEXAS**

**RE: Docket Number 507-24-05522.TBN; Texas Board of Nursing  
No. 507-24-05522; *Texas Board of Nursing v. Christianah Bello***

Dear Parties:

Please find attached a Proposal for Decision in this case.

Exceptions and replies may be filed by any party in accordance with 1 Texas Administrative Code section 155.507(b), a SOAH rule which may be found at [www.soah.texas.gov](http://www.soah.texas.gov).

CC: Service List

---

**BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

---

**TEXAS BOARD OF NURSING,  
PETITIONER  
v.  
CHRISTIANAH BELLO,  
RESPONDENT**

---

**TABLE OF CONTENTS**

Table of Abbreviations .....	iii
I. Notice, Jurisdiction, and Procedural History .....	2
II. Background .....	2
III. Applicable Law .....	4
A. Licensing Requirements.....	4
B. Disciplinary Action .....	7
C. Burden of Proof.....	10
IV. Evidence .....	10
A. Documentary Evidence Regarding Educational Background, Licensing Applications, and Operation Nightingale Notification.....	11

B.	Respondent's Testimony.....	13
1.	Post-Secondary Education .....	13
2.	Eastern International College Nursing Program .....	14
3.	Palm Beach School of Nursing Program .....	18
4.	Application for New York License.....	21
5.	Application for Texas License by Endorsement .....	23
6.	Texas Employment.....	23
C.	Respondent's Deposition Testimony .....	25
D.	Testimony of Dr. Susan Sportsman .....	27
1.	Education and Experience .....	27
2.	Texas Registered Nurse Programs .....	28
3.	Operation Nightingale.....	29
4.	Prior Disciplinary History .....	30
5.	Opinion: Respondent Did Not Complete a Substantially Equivalent Nursing Program .....	31
V.	Analysis .....	34
A.	Respondent Committed Fraud .....	34
B.	Respondent Engaged in Unprofessional Conduct in the Practice of Nursing.....	40
C.	Respondent Did Not Obtain a Substantially Equivalent Education.....	41
D.	Sanction Analysis.....	43
1.	Violations of the Act.....	43
2.	Failure to Obtain a Substantially Equivalent Education Pursuant to Texas Standards .....	47
VI.	Findings of Fact .....	47
VII.	Conclusions of Law.....	53
VIII.	Recommendation .....	55

## TABLE OF ABBREVIATIONS

ABBREVIATION	MEANING
Act	Nursing Practice Act
ALJ	Administrative Law Judge
Associate Degree	Associate Degree in Nursing
Bellaire	Bellaire Behavioral Hospital
Board	Texas Board of Nursing
CNA	Certified Nursing Assistant
CNO	Chief Nursing Officer
Capstone	Concept Synthesis Capstone
DON	Director of Nursing
EIC	Eastern International College
FBI	Federal Bureau of Investigation
FBN	Florida Board of Nursing
Form	Transcript Evaluation Form
HESI	Health Education System Institute Exam
HHS-OIG	United States Department of Health and Human Services Office of the Inspector General
Lab	Laboratory
Matrix	Disciplinary Matrix
Middlesex	Middlesex County College
NY Application	New York Registered Nurse License Application
NYBN	New York Board of Nursing
NY License	New York Professional (RN) Nursing License

<b>ABBREVIATION</b>	<b>MEANING</b>
NCLEX	National Council Licensure Examination
PBSN	Palm Beach School of Nursing
Practicum	Senior Clinical Practicum
Renewal Application	Texas Renewal RN License Application
RN	Registered Nurse/Professional Nurse
SOAH	State Office of Administrative Hearings
Texas Application	Texas Initial RN License Application
Texas License	Texas Professional (RN) Nursing License
Thrive	Thrive Skilled Pediatric Care
Union	Union County College



**BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

---

**TEXAS BOARD OF NURSING,  
PETITIONER  
v.  
CHRISTIANAH BELLO,  
RESPONDENT**

---

**PROPOSAL FOR DECISION**

The Staff (Staff) of the Texas Board of Nursing (Board) seeks to revoke the registered nurse (RN) license held by Christianah Bello (Respondent). Staff alleges Respondent committed fraud and engaged in unprofessional conduct related to her educational credentials. Further, Staff contends Respondent lacks the education required to practice as a nurse in Texas. The Administrative Law Judge (ALJ) finds Respondent committed fraud and engaged in unprofessional conduct and further finds Respondent did not obtain a nursing education that was substantially equivalent

to Texas standards. Accordingly, the ALJ finds the Board should deny Respondent's Texas renewal RN license application (renewal application) and revoke her license.

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

There are no contested issues of notice or jurisdiction in this proceeding. Therefore, these matters are addressed in the Findings of Fact and Conclusions of Law without further discussion here.

On June 13, 2024, State Office of Administrative Hearings (SOAH) ALJ Whitney L. Stoebner convened the hearing on the merits via videoconference. Assistant General Counsel JoAnna Starr represented Staff. Respondent appeared and was represented by attorney Elisabeth "Betty" Smith. The record remained open until July 22, 2024, to allow the parties to file written closing arguments.

## **II. BACKGROUND**

In May 2015, Respondent enrolled at Eastern International College (EIC) in Belleville, New Jersey, to obtain her associate degree in nursing (associate degree). During her last semester, Respondent failed two courses. Respondent could not afford the tuition required to retake the courses, so she did not complete the EIC nursing program and did not obtain an associate degree from EIC. In 2017, Respondent enrolled in a review course at Palm Beach School of Nursing (PBSN) in West Palm Beach, Florida, anticipating that PBSN would register her for the National Council Licensure Examination (NCLEX). The PBSN program was primarily

conducted online, did not include clinical coursework, and did not have a specific curriculum. At the conclusion of the program, PBSN registered Respondent for the NCLEX, which she passed. Respondent obtained a New York professional/registered nurse (RN) license (NY license) and applied for a Texas license by endorsement. On February 6, 2018, the Board issued Respondent a Texas RN license (Texas license).

Upon receiving her Texas license, Respondent began working as an RN in Houston. On August 18, 2018, she was assigned to work an overnight shift providing in-home care for an eight-year-old child (Child), who was in a vegetative state and relied upon a ventilator. During Respondent's shift, Child suffered respiratory distress and died. The Board sought suspension of Respondent's Texas license. After a hearing at SOAH, ALJ Sarah Starnes recommended the Board suspend Respondent's license with appropriate stipulations and with educational requirements that were to be met before the suspension could be probated. The Board suspended Respondent's license and required she complete remedial education and practice under supervision.

In January 2023, the Federal Bureau of Investigation (FBI) and the United States Department of Health and Human Services Office of the Inspector General (HHS-OIG) announced the investigation of a national scheme whereby nursing schools sold fraudulent nursing degrees; this investigation was known as "Operation Nightingale." PBSN was among the schools implicated in the scheme. In March 2023, the Board notified Respondent that her name appeared on a list of individuals who received an illegitimate degree, diploma, or transcript.

Staff seeks revocation of Respondent's Texas license and denial of her renewal application because Respondent allegedly violated the Nursing Practice Act (Act) by fraudulently obtaining/procuring a nursing license; practicing nursing under the unlawfully obtained license; using a fraudulently purchased or issued nursing license or diploma; and engaging in unprofessional conduct in the practice of nursing that was likely to deceive, defraud, or injure a patient or the public. Further, Staff contends Respondent does not meet the educational requirements necessary to be licensed in Texas.

Respondent counters that she did not commit fraud when obtaining her licenses because she did not knowingly or recklessly make a false representation regarding her educational background on her license applications. Further, Respondent contends that while she did not receive an associate degree, her nursing education was sufficient because she completed the EIC program.

### **III. APPLICABLE LAW**

#### **A. LICENSING REQUIREMENTS**

Pursuant to the Act, the Board is responsible for the regulation of nurses in Texas.<sup>1</sup> Under Act section 301.251(a), a person may not practice nursing without a

---

<sup>1</sup> Tex. Occ. Code ch. 301. For purposes of this proposal for decision, citations to licensing and educational requirements will be to the provisions in effect at the time of Respondent's initial Texas licensure in January 2018. The ALJ is mindful that Respondent also made a false statement regarding her education on her 2023 renewal application after she was aware that PBSN was part of Operation Nightingale. As discussed below, the ALJ finds this misrepresentation relevant because it demonstrates Respondent's failure to correct the previous false statements. However, based on the notice of hearing, the Board is not relying on this misrepresentation as the basis of the revocation. The ALJ has used the current citations to the disciplinary provisions in the Act and Board rules as Respondent's act of fraud was ongoing from the time of her initial licensure until 2023.

Board-issued license.<sup>2</sup> An applicant for an RN license must submit a sworn application demonstrating the applicant's qualifications and accompanied, in part, by documentation demonstrating the applicant has successfully completed a program of study approved under Act section 301.157(d).<sup>3</sup>

By rule, a program of study for an RN in Texas is comprised of didactic and clinical learning experiences.<sup>4</sup> Programs require the equivalent of at least two academic years to complete.<sup>5</sup> Instruction must include, in part, organized student/faculty interactive learning activities, lectures, nursing skills laboratory (lab) instruction and demonstration, simulated lab instruction, and supervised clinical learning experiences.<sup>6</sup> The hours dedicated to clinical learning must be sufficient to meet program of study requirements with a suggested ratio of one hour of didactic study to three hours of related clinical experience.<sup>7</sup> Nursing courses must include didactic and clinical experiences in four content areas, including medical surgical, maternal/child health, pediatrics, and mental health nursing.<sup>8</sup>

An approved nursing education program is one that is (i) approved by the Board; (ii) accredited by a national nursing accreditation agency; or (iii) approved by

---

<sup>2</sup> Tex. Occ. Code § 301.251(a).

<sup>3</sup> Tex. Occ. Code § 301.252(a)(2).

<sup>4</sup> 22 Tex. Admin. Code § 215.9(a).

<sup>5</sup> 22 Tex. Admin. Code § 215.9(a)(1).

<sup>6</sup> 22 Tex. Admin. Code § 215.9(c).

<sup>7</sup> 22 Tex. Admin. Code § 215.9(c)(4).

<sup>8</sup> 22 Tex. Admin. Code § 215.9(e)(2).

a state board of nursing of another state and the Board, subject to certain requirements.<sup>9</sup> In order for the Board to approve an out-of-state nursing program, the program must be approved by the state board of nursing or other regulatory body of that state.<sup>10</sup> The Board must adopt rules to ensure that the standards of the out-of-state board are “substantially equivalent” to the Board’s standards.<sup>11</sup> An out-of-state nursing program is considered substantially equivalent if, in part, the program is part of an institution of higher education that is approved by the appropriate regulatory authorities of that state; holds regional and speciality accreditations; and requires program applicants to meet specific requirements regarding their prior experience.<sup>12</sup> In addition, a substantially equivalent program graduates students who:

- achieve faculty-determined program outcomes, including passing examinations of nursing knowledge;
- pass a summative performance examination that measures clinical competencies essential to beginning an RN practice and that meet nationally recognized standards for educational testing; and
- pass the NCLEX at a rate equivalent to the Board’s required passage rate for students in approved in-state programs.<sup>13</sup>

---

<sup>9</sup> Tex. Occ. Code § 301.157(d).

<sup>10</sup> Tex. Occ. Code § 301.157(d-4).

<sup>11</sup> Tex. Occ. Code § 301.157(d-4).

<sup>12</sup> Tex. Occ. Code § 301.157(d-8)(1)-(4).

<sup>13</sup> Tex. Occ. Code § 301.157(d-8)(5).

A person licensed as a nurse in another state may qualify for licensure by endorsement in Texas.<sup>14</sup> In order to qualify for a temporary license by endorsement, an applicant must submit, in pertinent part, a completed, sworn application, proof of initial licensing by examination, and evidence that the person “possessed, at the time of initial licensing as a nurse, the other qualifications necessary at that time to have been eligible for licensing in this state.”<sup>15</sup> By Board rule, in order to be licensed by endorsement, a nurse must have graduated from “an approved nursing education program.”<sup>16</sup>

## **B. DISCIPLINARY ACTION**

A nurse is subject to disciplinary action for a violation of the Act, a Board rule or regulation, or a Board order.<sup>17</sup> It is a violation of the Act to fraudulently obtain a nursing diploma, license, renewal license, or record; practice under an unlawfully or fraudulently obtained license or diploma; commit “fraud or deceit in procuring or attempting to procure a license;” use a license, diploma, or permit “that has been fraudulently purchased, issued, counterfeited, or materially altered;” or to engage in unprofessional conduct in the practice of nursing that is likely to deceive, defraud, or injure a patient or the public.”<sup>18</sup> By rule, the Board has specified that certain behaviors constitute unprofessional conduct.<sup>19</sup> Under the rules, unprofessional

---

<sup>14</sup> Tex. Occ. Code § 301.260.

<sup>15</sup> Tex. Occ. Code § 301.260(a).

<sup>16</sup> 22 Tex. Admin. Code § 217.5(a)(1).

<sup>17</sup> Tex. Occ. Code § 301.452(b)(1).

<sup>18</sup> Tex. Occ. Code §§ 301.451(1), (3), .452(b)(2), (5), (10).

<sup>19</sup> 22 Tex. Admin. Code § 217.12(6)(H), (I).

conduct includes, in part, (1) providing false, deceptive, or misleading information in connection with the practice of nursing or (2) failing to answer specific questions or providing false or misleading answers in a licensure or employment matter that could reasonably affect the decision to license or employ the nurse.<sup>20</sup>

Neither the Act nor the Board rules appear to define fraud. Accordingly, it is appropriate to apply the common law definition. At common law, fraud requires the following elements: (1) the speaker made a representation; (2) the representation was material; (3) the representation was false; (4) when the representation was made, the speaker knew the representation was false or made the representation recklessly, as a positive assertion, and without knowledge of its truth; (5) the speaker made the representation intending that another act on it; (6) the other person relied on the representation; and (7) the representation caused the other person injury.<sup>21</sup> Direct or circumstantial evidence may be used to demonstrate that a person made a statement with an awareness the statement was false or without knowing it is true.<sup>22</sup> “A representation is recklessly made if the speaker knows that he does not have sufficient information or basis to support it.”<sup>23</sup>

---

<sup>20</sup> 22 Tex. Admin. Code § 217.12(6)(H), (I).

<sup>21</sup> See “*Fraud*,” O’Connor’s Texas Causes of Action Ch. 12-A § 1 (2023 ed.) (collecting cases); *Formosa Plastics Corp. USA v. Presidio Eng’rs and Contractors, Inc.*, 960 S.W.2d 41, 47-48 (Tex. 1998); see also *Fraud*, Black’s Law Dictionary (12th ed. 2024) (providing two definitions with one requiring a knowing misrepresentation and the other requiring a reckless misrepresentation).

<sup>22</sup> *Burleson State Bank v. Plunkett*, 27 S.W. 3d 605, 613 (Tex. App. – Waco 2000, pet. denied).

<sup>23</sup> *Am. Dream Team, Inc. v. Citizens State Bank*, 481 S.W.3d 725, 739 (Tex. App.—Tyler 2015, pet. denied) (citing *Johnson & Higgins of Tex., Inc. v. Kenneco Energy, Inc.*, 962 S.W.2d 507 (Tex. 1998)).



When a nurse violates the Act or Board rules, the Board is required to impose a disciplinary sanction, which can range from remedial education to license revocation.<sup>24</sup> The Board must adopt a schedule of disciplinary sanctions, referred to as the Disciplinary Matrix (Matrix), to ensure a sanction is appropriate for the violation.<sup>25</sup> The Matrix categorizes violations into tiers and sanction levels based on the seriousness of the violation and the risk of harm to patients or the public.<sup>26</sup> Staff contends most of the violations alleged herein are Tier 2, Sanction Level II violations.<sup>27</sup> If multiple violations of the Act or Board Rules are present, the Board and SOAH should consider the most severe sanction recommended by the Matrix for any one of the individual offenses.<sup>28</sup>

If the facts demonstrate a sanction is warranted, aggravating and mitigating factors must be analyzed.<sup>29</sup> In conjunction with the Matrix, aggravating and mitigating factors include evidence of, in part: actual or potential harm to patients, clients, or the public; lack of truthfulness or trustworthiness; misrepresentation of knowledge, education, experience, credentials, or skills which would lead a member of the public, an employer, a member of the healthcare team, or a patient to rely on the fact misrepresented where such reliance could be unsafe; evidence of practice

---

<sup>24</sup> Tex. Occ. Code §§ 301.453, .4531(a); 22 Tex. Admin. Code § 213.33(e).

<sup>25</sup> Tex. Occ. Code § 301.4531(a); 22 Tex. Admin. Code § 213.33(e).

<sup>26</sup> 22 Tex. Admin. Code § 213.33(b).

<sup>27</sup> The Matrix does not provide tiers and sanction levels for violations of Act section 301.452(b)(5).

<sup>28</sup> Tex. Occ. Code § 301.4531; 22 Tex. Admin. Code § 213.33(c).

<sup>29</sup> Tex. Occ. Code § 301.4531; 22 Tex. Admin. Code § 213.33.

history; prior disciplinary history by the Board; attempts by the person to correct or stop the violation; the seriousness of the violation; and the threat to public safety.<sup>30</sup>

### **C. BURDEN OF PROOF**

The standard of proof in this matter is a preponderance of the evidence.<sup>31</sup> Staff has the burden of proving the allegations. Respondent has the burden of proving mitigating factors, if any.<sup>32</sup>

## **IV. EVIDENCE**

Staff offered 23 exhibits, which were admitted, called Respondent as a witness, and presented the testimony of Dr. Susan Sportsman, a nursing consultant for the Board.<sup>33</sup> Respondent offered six exhibits, which were admitted, and testified on her own behalf.<sup>34</sup>

---

<sup>30</sup> Tex. Occ. Code § 301.4531; 22 Tex. Admin. Code § 213.33.

<sup>31</sup> *Granek v. Tex. St. Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App. — Austin 2005, no pet.); *Sw. Pub. Serv. Co. v. Pub. Util. Comm'n of Tex.*, 962 S.W.2d 207, 213–14 (Tex. App. — Austin 1998, pet. denied).

<sup>32</sup> 1 Tex. Admin. Code § 155.427.

<sup>33</sup> Staff's Exhibits 1-2, 2A, 3-4, 4A, 4B, 4C, 5-16, 17 (corrected), 18, and 20 were admitted.

<sup>34</sup> Respondent's Exhibits 1, 3-4, and 11-12 were admitted.

**A. DOCUMENTARY EVIDENCE REGARDING EDUCATIONAL  
BACKGROUND, LICENSING APPLICATIONS, AND OPERATION  
NIGHTINGALE NOTIFICATION**

From May 18, 2015 to the spring of 2017, Respondent attended the nursing program at EIC and attempted to obtain her associate degree.<sup>35</sup> In spring 2017, Respondent failed two courses.<sup>36</sup> Later in 2017, Respondent enrolled in a review course at PBSN.<sup>37</sup> Respondent finished the PBSN program on October 25, 2017.<sup>38</sup> In November 2017, Respondent applied to receive her NY license.<sup>39</sup> On her New York license application (NY application), Respondent stated she attended PBSN from April 2016 to October 2017 and obtained an associate degree.<sup>40</sup> Though the NY application required that the applicants include all schools, colleges, or universities they attended, Respondent did not list EIC.<sup>41</sup> Respondent received her NY license in 2018.<sup>42</sup>

---

<sup>35</sup> Staff Ex. 10. Respondent's EIC transcripts demonstrate she was enrolled during the summer and fall semesters of 2015, the spring and fall semesters of 2016, and the spring semester of 2017.

<sup>36</sup> Staff Ex. 10.

<sup>37</sup> Staff Ex. 15.

<sup>38</sup> Staff Ex. 15.

<sup>39</sup> Staff Ex. 11.

<sup>40</sup> Staff Ex. 11. The copy of Respondent's NY application does not include a copy of her diploma and it is unclear whether Respondent provided a copy of her diploma during the application process. For purposes of the NY application, it appears Respondent's educational background was verified through a certification completed by PBSN.

<sup>41</sup> Staff Ex. 11.

<sup>42</sup> Staff Ex. 1. While the documentary evidence associated with Respondent's application for her Texas license by endorsement demonstrates Respondent received her NY License on January 11, 2018, Respondent's resume, contained in Respondent's Exhibit 1, states she was licensed to practice in New York in 2017.

After obtaining her NY license, Respondent applied for an RN license by endorsement in Texas. On her Texas initial RN license application (Texas application), Respondent stated she attended PBSN from March 2016 to October 2017 and obtained an associate degree.<sup>43</sup> She did not list EIC or any prior education on her Texas application.<sup>44</sup> On February 6, 2018, the Board issued Respondent's Texas license under License No. 938895.<sup>45</sup>

In 2023, the FBI announced Operation Nightingale, an investigation of several nursing schools who allegedly issued illegitimate diplomas and transcripts.<sup>46</sup> HHS-OIG alerted the Board to this scheme and provided a list of implicated nursing programs and students who had allegedly received illegitimate degrees.<sup>47</sup> On March 1, 2023, the Board advised Respondent that her name had been included on the list of students who allegedly received an illegitimate degree, diploma, or transcript.<sup>48</sup> On August 12, 2023, Respondent applied to renew her Texas license; on

---

<sup>43</sup> Staff Ex. 1. It is unclear whether Respondent submitted a copy of her PBSN diploma when applying for her Texas license by endorsement. The admitted copy of her Texas application does not include such supporting documentation.

<sup>44</sup> Staff Ex. 1.

<sup>45</sup> Staff Ex. 1 at 6, 12. While the documentary evidence associated with Respondent's Texas application states Respondent's initial Texas licensure date was February 8, 2018, Respondent's resume, contained in Respondent's Exhibit 1, states she obtained her Texas license in 2017.

<sup>46</sup> Staff Ex. 2; Staff Ex. 7; Staff Ex. 17 at 159:22-160:7.

<sup>47</sup> Staff Ex. 2.

<sup>48</sup> Staff Ex. 2.

her renewal application, she stated she obtained an associate degree from PBSN.<sup>49</sup> Respondent did not list EIC on her renewal application.<sup>50</sup>

## **B. RESPONDENT'S TESTIMONY**

### **1. Post-Secondary Education**

Respondent began her post-secondary education in Nigeria. She obtained a national certificate of education in chemistry, mathematics, and education at Federal College of Education in Abeokuto. She then completed a four-year graduate program in chemistry education from the University of Lagos. In addition, Respondent obtained a master's degree in library science from the University of Ibadan. In Nigeria, Respondent's post-secondary programs required in-person attendance.<sup>51</sup> The programs were taught by multiple instructors who were available after class to answer questions. Further, these Nigerian universities had multiple buildings, including libraries.

In 2009, Respondent moved to the United States and began a Certified Nursing Assistant (CNA) program at the Branford Health Institute in Elizabeth, New Jersey. The program was about four months long and required in-person attendance. There were two instructors, including an instructor for the written course and a clinical instructor who supervised students in a nursing home facility.

---

<sup>49</sup> Staff Ex. 5.

<sup>50</sup> Staff Ex. 5.

<sup>51</sup> For purposes of this proposal for decision, the ALJ will refer to courses attended on campus or in a school building as "in-person." Courses attended remotely will be referred to as "online."

After completing the program, Respondent worked for about four years as a CNA. During that time, she was accused of abusing a patient.<sup>52</sup>

Eventually, Respondent decided to pursue a nursing degree. From 2013 to 2015, she attended Union County College (Union).<sup>53</sup> At Union, classes were in-person, and each course had a different instructor. While attending Union, Respondent purchased textbooks and took examinations. In 2015, Respondent attended Middlesex County College (Middlesex) where she completed a class in English composition.<sup>54</sup> Middlesex's campus had multiple buildings, including a large library and a financial aid office.

## **2. Eastern International College Nursing Program**

After attending Middlesex, Respondent attended EIC in New Jersey, where she pursued her associate degree.<sup>55</sup> EIC's campus had multiple buildings, including one building dedicated to the School of Nursing, and a library. Most of the required textbooks were included in Respondent's tuition. The EIC program was in-person. Respondent had a different instructor for each class.<sup>56</sup> Most of the EIC instructors

---

<sup>52</sup> Staff Ex. 17 at 132:4-136:16. During her deposition, Respondent testified that she was accused of pushing a resident into a table. The incident was reported to the New Jersey CNA Registry, and Respondent's CNA license was revoked. The case was resolved in 2017, though the current state of Respondent's CNA license was not provided in the evidence.

<sup>53</sup> Staff Ex. 9. Respondent's transcript from Union demonstrates she received 11 transfer credits based on her coursework in Nigeria and obtained 37 credit hours at Union. According to the transcript, Respondent's coursework at Union ended in 2014, not 2015 as she testified. This discrepancy was not explained.

<sup>54</sup> Staff Ex. 16. Respondent's Middlesex transcript shows she attended the school from 2013 to 2014. This discrepancy was not explained. According to Respondent, she enrolled in the English composition class at Middlesex because Union required her to take a prerequisite for this class, which Respondent failed.

<sup>55</sup> Staff Ex. 10.

<sup>56</sup> As discussed further below, there were two classes for which Respondent had the same professor.

were licensed RNs; however, some of the instructors had post-graduate degrees. EIC had a lab where Respondent completed assessments. During these exercises, instructors accompanied the students to the lab, taught necessary skills, and evaluated the students.

EIC informed Respondent that the nursing program would take 18 months to complete. Each semester required \$8,555 in tuition for 12 credit hours, and there were three semesters per year. In order to apply for the nursing program, Respondent took the Health Education System Institute Exam (HESI), met with an admissions counselor to discuss the program's requirements, and submitted transcripts and various medical records.

While attending EIC, Respondent completed the following clinical courses, including:<sup>57</sup>

- **Fundamentals of Nursing** – Respondent attended this clinical course for eight hours a day, four days a week, for approximately 12 weeks. The clinical work was completed in a nursing home.
- **Adult Health I/Medical Surgical and Adult Health II/Medical Surgical** – Respondent completed these clinical courses at St. Michael's Hospital. She worked about 12 hours a day, five days a week, for about 12 weeks. As part of the clinical instruction in this course, a preceptor or instructor completed a checklist demonstrating that students had mastered certain skills.

---

<sup>57</sup> The EIC transcript does not include separate entries for the clinical courses. For example, while the transcript includes an entry for the Fundamentals of Nursing course, there is not a separate entry for the Fundamentals of Nursing clinical class. As discussed further below, the failure to include separate entries for the clinical courses creates a challenge in determining the scope of Respondent's clinical studies at EIC.

- **Psychiatric-Mental Health Nursing** – Respondent completed her clinical work for this course at Bergen Medical Center. She worked in the afternoon and evening hours for approximately eight hours per day, five days a week, for about 12 weeks.
- **Obstetrical Nursing and Pediatric Nursing** – Respondent attended these clinical courses for approximately eight hours a day, five days a week, for approximately five weeks. These clinical programs were completed at a neighborhood clinic.
- **Critical Care** – Respondent completed this clinical class as part of her Senior Clinical Practicum (Practicum). The clinical course was held at Columbus Hospital for 12 hours a day, five days a week, for 12 weeks. The patients were in a vegetative state. A preceptor evaluated the students' work, wrote evaluations, and sent paperwork to the professor for review. Students were required to complete a skills "checkoff" in the classroom before working with patients.

Respondent's clinical coursework at EIC included written assignments, such as drafting plans of care. The preceptor reviewed these written products and discussed them with the students. During clinical classes, a preceptor was always present, and students were only allowed to give medications while supervised.

In 2017, Respondent took Concept Synthesis Capstone (Capstone)<sup>58</sup> and Practicum<sup>59</sup> from Professor Sam Samour. Respondent characterized these classes as

---

<sup>58</sup> Staff Ex. 18 at 79. The EIC course catalogue stated that Capstone would "reinforce and complement prior knowledge developed throughout the nursing curriculum." According to the course description, the course reviewed content with an emphasis on case studies. Further, the course included an exam to allow students to assess their strengths and weaknesses as they prepared for the NCLEX.

<sup>59</sup> Staff Ex. 18 at 79. According to the EIC course catalogue, the goal of Practicum was to "provide students an opportunity to critically think and apply nursing concepts as they transition from the student nurse roll [sic] to nursing practice." "There is opportunity to examine and assess nursing competency and skills needed to function and communicate as a practicing nurse in a safe, effective, and cost-efficient manner with guidance and oversight by a nurse."



reviews. In Capstone, students discussed case studies. In Practicum, they reviewed their prior clinical coursework and were evaluated on additional clinical work, which they completed at a hospital. Both courses required three exams, including the multiple-choice HESI. Respondent received a "D+" in both classes, which was not a passing grade. EIC told Respondent she would be required to retake both classes. Respondent, however, could not afford the \$7,000 tuition required to retake the courses. She appealed to the EIC director of nursing (DON) but was unsuccessful. EIC would not allow Respondent to register for the NCLEX exam.

Respondent struggled at EIC, which was "just out to fail" students.<sup>60</sup> Accordingly, she enrolled in an NCLEX review course in New York. While attending this review course, she learned about PBSN from either a fellow student or an instructor.<sup>61</sup> According to Respondent, the instructor of the review course told the students that if they attended PBSN in Florida, they would be registered for the NCLEX. The instructor also said that because Respondent would only be completing a review at PBSN, the tuition would be minimal. Respondent denied, however, that the instructor told her that she could receive a diploma just by paying PBSN. Respondent stated she would not have agreed to pay in exchange for a diploma. Respondent maintained that because she "already had enough education" she transferred to PBSN so that she could be registered for the NCLEX.<sup>62</sup>

---

<sup>60</sup> Respondent's Testimony, Recording Part 2 at 52:48.

<sup>61</sup> Respondent testified both that she learned about PBSN from a fellow student and an instructor.

<sup>62</sup> Respondent's Testimony, Recording Part 1 at 2:03:44.

### **3. Palm Beach School of Nursing Program**

The PBSN campus was in the back of a shopping complex. The building contained four classrooms, an administrative office, simulation lab, and the DON's office. Respondent was unsure whether PBSN had a library, but she did not recall seeing one. There were no computers for student use. Other nursing students attended PBSN, and Respondent referred to these individuals as "regular students;" according to Respondent, the regular students used the simulation lab for their classes, but Respondent only used the lab for her personal review. Respondent was not provided with textbooks at PBSN, but the lecturer recommended she purchase the ATI<sup>63</sup> series, which addressed all the concepts covered in nursing school. Respondent used these books to review for the NCLEX.

Prior to visiting or fully enrolling at PBSN, Respondent paid \$2,000. She also paid \$100 for the admission form. When she visited PBSN in person, Respondent paid additional fees for transportation and accommodations.<sup>64</sup> It was Respondent's understanding that in return for the money she paid PBSN, she would be registered for the NCLEX.<sup>65</sup>

It is unclear when Respondent first visited PBSN. While there is some indication that her first visit was in June 2017, she also testified that she may have

---

<sup>63</sup> The evidence demonstrated ATI publishes nursing books and examinations, but the acronym was not defined.

<sup>64</sup> Respondent testified she paid \$50 per night for accommodations and paid an additional \$50 for transportation. It is unclear if the cost of transportation was billed for the duration of each visit or for each leg of transportation provided during a given visit.

<sup>65</sup> Respondent's Testimony, Recording Part 1 at 3:46:28.

visited while she was still enrolled in the review course in New York. At some point prior to her enrollment, PBSN admissions officer Sofia Ossia<sup>66</sup> told Respondent that the courses required for the NCLEX would take six to 12 months to complete. In order to apply to PBSN, Respondent submitted her transcript, completed an application, wrote an essay, and took an entrance test.

At some point, Ms. Ossia and Respondent discussed which courses Respondent would be required to take at PBSN. According to Respondent, Ms. Ossia sent a "Transcript Evaluation Form" (form) to her via email.<sup>67</sup> Respondent acknowledged the copy of the form admitted into evidence included highlighted courses and stated, "Need to take all highlight [sic] classes and clinical please." Respondent, however, denied this was the form Ms. Ossia provided at the time Respondent visited. According to Respondent, Ms. Ossai was not the final decision-maker regarding which courses Respondent needed to complete at PBSN. At some point after her initial visit to PBSN, an instructor known as "Doctor" determined Respondent had already passed her coursework and only needed to take a review.<sup>68</sup> Therefore, Respondent did not take any of the courses highlighted on the

---

<sup>66</sup> Ms. Ossia's name is spelled differently throughout the exhibits. For purposes of this proposal for decision, the ALJ will utilize this spelling.

<sup>67</sup> Staff Ex. 13 at 13. According to Respondent, she signed a different version of this form, and Ms. Ossia placed it in her file.

<sup>68</sup> Doctor's full name and credentials are unknown.

form.<sup>69</sup> Further, she did not pay PBSN \$15,000, even though this was the tuition amount provided on the form.

In July 2017, Respondent's son was offered a job in Texas, and Respondent relocated to Houston. Respondent could not recall how often she traveled to PBSN during her enrollment. The documentary evidence showed Respondent flew to Florida twice in 2017; however, Respondent stated she also drove to Florida with her daughter on several occasions. During these trips, Respondent spent about three or four days at PBSN attending lectures with the regular students. Doctor taught the in-person lectures and was the only instructor Respondent encountered when she was present at PBSN. During in-person classes, Respondent took multiple choice exams, which were applied toward her final grade in the review class. Respondent also took ATI tests on her own, but these were not included in her final grade.

When not physically present at PBSN, Respondent attended the review class online. She was unaware that the Florida Board of Nursing (FBN) had only approved PBSN for in-person instruction.<sup>70</sup> The online instructor, whose name she did not recall, was based in California. According to Respondent, there were approximately seven students in the course. They took exams every Friday and completed more than five hours of homework. Respondent acknowledged that the PBSN program was not exactly the same as the EIC program. Unlike other schools that Respondent had

---

<sup>69</sup> Specifically, Respondent did not take classes in Human Development, College Algebra, Psychology, Sociology, Pathophysiology, Fundamentals of Nursing, CL Fundamentals of Nursing Practicum, Psychiatric Nursing Practicum, Maternal Child Health Nursing Practicum, Pediatric Nursing Practicum, Advanced Nursing Skills, or Professional Nursing Leadership.

<sup>70</sup> Staff Ex. 8.

attended, PBSN courses did not have titles. Rather, the instructor taught whatever he thought was appropriate.<sup>71</sup> She did not complete any clinical work at PBSN. Respondent finished the PBSN program in about six months and received an “A” as a final grade in the course based on her exams and attendance.

In October 2017, Respondent made a final visit to PBSN to provide proof that she had completed the course and/or to collect her transcript and diploma.<sup>72</sup> During this visit, however, Ms. Ossia only showed Respondent a copy of her transcript and did not give Respondent a physical copy for her records. Ms. Ossia said she would mail the transcript to Respondent, but Respondent never received it. Ms. Ossia gave Respondent her diploma. Because the automated teller machine in the administrative office was not working, Ms. Ossia drove Respondent to the bank. Respondent withdrew \$2,000 and paid Ms. Ossia, who then drove Respondent to the train station.

#### **4. Application for New York License**

PBSN registered Respondent for the NCLEX through the New York Board of Nursing (NYBN). According to Respondent, PBSN registered her for the NCLEX in New York because PBSN had a school there. In addition, Respondent planned to return to New York because the pay was higher; however, her family support was in Houston, and she needed to earn money before she could return to New York.

---

<sup>71</sup> Staff Ex. 17 at 42:15-44:1. This is inconsistent with Respondent’s deposition testimony where she stated it was her understanding that she was going to PBSN to attend review classes.

<sup>72</sup> Staff Ex. 15. When asked why an in-person visit was necessary given that the lecturer had already communicated with Ms. Ossia regarding Respondent’s course completion, Respondent stated she needed to collect her transcript and diploma.

When asked where she resided while attending PBSN, Respondent initially testified that she lived in New York, New Jersey, Houston, and Florida and was moving around.<sup>73</sup> She subsequently testified that while attending PBSN, her permanent home was in Houston. When asked where she was living at the time PBSN registered her for the NCLEX, Respondent again advised she lived in New York, Houston, and Florida before she eventually acknowledged her address was in Houston.<sup>74</sup> Respondent used her New York address on her NY application.<sup>75</sup>

Respondent admitted she did not include EIC or Middlesex on her NY application.<sup>76</sup> According to Respondent, she was unaware that the NY application required her to attach an addendum if she did not have sufficient space to provide information.<sup>77</sup> Respondent also testified that though she completed all her coursework at EIC, it did not occur to her to list EIC on the NY application because PBSN registered her for the NCLEX. Respondent denied she was attempting to deceive anyone when she completed her NY application.

Respondent took the NCLEX in Houston and passed the examination. After passing the NCLEX, she received her NY license.

---

<sup>73</sup> Respondent's Testimony, Recording Part 1 at 3:13:25.

<sup>74</sup> Respondent's Testimony, Recording Part 1 at 3:14:13.

<sup>75</sup> Staff Ex. 11. Respondent signed her NY application on November 28, 2017, and it was notarized in Texas.

<sup>76</sup> Staff Ex. 11.

<sup>77</sup> Staff Ex. 11.

## **5. Application for Texas License by Endorsement**

After obtaining her NY license, Respondent applied for licensure by endorsement in Texas. When completing the Texas application, she used PBSN as the basis for her nursing education.<sup>78</sup> At some point, she was required to renew her Texas license, however, she did not recall providing information regarding her educational qualifications on her renewal application.<sup>79</sup>

## **6. Texas Employment**

Upon obtaining her Texas license, Respondent worked for Thrive Skilled Pediatric Care (Thrive) in Houston.<sup>80</sup> In August 2018, she was assigned to work with Child, who used a ventilator. During Respondent's shift, Child died.<sup>81</sup> Respondent acknowledged that as a nurse, she had a duty to assess patients in distress. While Respondent initially testified that her care of Child was proper, she eventually conceded that the ALJ who heard that case did not agree with this interpretation of

---

<sup>78</sup> Staff Ex. 1.

<sup>79</sup> Staff Ex. 5.

<sup>80</sup> Respondent did not include her employment at Thrive in the Professional Experience section of her resume. Respondent Ex. 1.

<sup>81</sup> Staff Exhibit 4C contained the prior Board order and SOAH proposal for decision resulting from this incident. Pursuant to those documents, Child was paralyzed and in a vegetative state resulting from a brain injury she sustained in infancy. She relied on a ventilator and used a tracheostomy, which connected the ventilator to her windpipe. Respondent was assigned to work with Child during an overnight shift from August 2018. Respondent had no prior experience with Child and arrived at the home too late to receive a full orientation. During the shift, Child experienced respiratory distress and died. The ALJ found Respondent accepted the assignment to care for Child despite lacking sufficient orientation and training; failed to follow minimum standards and engaged in unprofessional conduct; failed to accurately assess Child's breath status; failed to appropriately respond to an alarming pulse oximeter; and failed to accurately document her assessments. The ALJ recommended a two-year suspension with appropriate stipulations and educational requirements. The Board imposed an enforced suspension, required Respondent complete remedial education requirements, and ordered that upon successful completion of those courses, Respondent would be placed on probation for two years with a supervision requirement.

events. As a result of this incident, Petitioner was suspended and was not allowed to work until she completed remedial education and a period of supervision. Thrive terminated Respondent immediately after this incident.

After Thrive, Respondent worked for Epic Health Care Services (Aveanna) in Houston for about 22 months until she was suspended.<sup>82</sup> She tried to obtain work at many agencies and eventually secured a position at Bellaire Behavioral Hospital (Bellaire). She worked at Bellaire for approximately a month before her daughter died, which required Respondent to leave for several weeks. When she returned, Bellaire's Chief Nursing Officer (CNO) terminated Respondent's employment because Respondent "could not cope."<sup>83</sup>

After working at Bellaire, Respondent attempted to obtain work at a nursing home. The nursing home reviewed her transcript and accused Respondent of moving from one state to another with a fake license. Respondent did not understand what was happening. In January 2022, she was hired by Houston Behavioral Hospital. During her orientation, the CNO asked Respondent to leave but did not give a reason.

---

<sup>82</sup> Staff Ex. 17 at 153:11-154:15. In her deposition, Respondent testified that after she received the Board order requiring supervision, she could not work for home health agencies. She maintained she was not actually terminated from Epic Healthcare Services (Aveanna) and had excellent evaluations. Respondent further testified that she tried to get other jobs; however, because of the COVID pandemic, there was a nursing shortage and, accordingly, there were not enough nurses to provide the requisite supervision.

<sup>83</sup> Staff Ex. 17 at 149:9-150:10. Respondent did not recall testifying in her deposition that Bellaire told her the volume of work was too rigorous for her.



### C. RESPONDENT'S DEPOSITION TESTIMONY<sup>84</sup>

After she failed Capstone and Practicum at EIC, Respondent enrolled in a program in New York, which was intended to help students pass the NCLEX.<sup>85</sup> Because she failed these two classes, EIC would not permit her to register for the NCLEX; however, the lecturer in the New York program advised that if she attended PBSN in Florida, she could register for the exam.<sup>86</sup> Respondent was at a "dead end" and decided to try to enroll at PBSN.<sup>87</sup> Had she been aware PBSN was not a legitimate program, she would not have attended the school.<sup>88</sup> She stated that at some point, her daughter called the FBN to inquire about PBSN.<sup>89</sup>

Respondent applied to PBSN in-person.<sup>90</sup> She testified that it was her understanding that upon graduating from PBSN, she would receive an associate degree.<sup>91</sup> However, she also testified that she thought that she would be registered for

---

<sup>84</sup> To the extent Respondent's deposition testimony and hearing testimony were consistent, the ALJ has not provided a full summary of Respondent's deposition in this proposal for decision. However, in order to fully evaluate Respondent's state of mind at the time of her applications for licensure, the ALJ has included a summary of Respondent's deposition testimony pertaining to her motivation and application process to PBSN.

<sup>85</sup> Staff Ex. 17 at 42:4-44:21.

<sup>86</sup> Staff Ex. 17 at 46:20-47:20.

<sup>87</sup> Staff Ex. 17 at 48:7-10.

<sup>88</sup> Staff Ex. 17 at 168:21-169:1.

<sup>89</sup> Staff Ex. 17 at 88:19-89:6. According to Respondent's responses to Staff's interrogatories, during that call, FBN advised that PBSN was registered but had a high failure rate. Staff Ex. 12.

<sup>90</sup> Staff Ex. 17 at 48:11-25.

<sup>91</sup> Staff Ex. 17 at 59:3-6.

the NCLEX in exchange for the tuition she paid.<sup>92</sup> Ms. Ossia told Respondent that because she had already completed her coursework at EIC, it would take her about six months to a year to complete the PBSN program.<sup>93</sup>

Ms. Ossia provided Respondent with the curriculum and highlighted those courses Respondent needed to take.<sup>94</sup> There was not a syllabus for the review class, and the instructor taught whatever he deemed to be appropriate.<sup>95</sup> The course covered nursing concepts with an emphasis on medical surgical.<sup>96</sup> Respondent did not complete any clinical hours at PBSN because she had already completed her clinical work at EIC.<sup>97</sup>

Respondent testified that the amount of time she spent in classroom and clinical instruction throughout the entirety of her nursing education was sufficient to prepare her to work as a nurse.<sup>98</sup> She became aware of the allegations of fraud against PBSN in January 2023.<sup>99</sup>

---

<sup>92</sup> Staff Ex. 17 at 156:12-15.

<sup>93</sup> Staff Ex. 17 at 83:15-23.

<sup>94</sup> Staff Ex. 17 at 59:7-17.

<sup>95</sup> Staff Ex. 17 at 84:7-22.

<sup>96</sup> Staff Ex. 17 at 86:21-87:6.

<sup>97</sup> Staff Ex. 17 at 69:8-11.

<sup>98</sup> Staff Ex. 17 at 156:12-157:16.

<sup>99</sup> Staff Ex. 17 at 159:22-160:7.

## **D. TESTIMONY OF DR. SUSAN SPORTSMAN**

### **1. Education and Experience**

Dr. Sportsman is an expert in nursing education and curriculum.<sup>100</sup> She obtained her Bachelor of Science in Nursing from Baylor University in 1968. In 1977, she graduated from Texas Women's University with a Master of Science in Healthcare Instruction. She obtained a Master of Science in Nursing from the University of Texas at Arlington in 1980. In 1986, she completed her Ph.D. in Nursing from Texas Women's University. She is a fellow for the Academy of Nurse Education and the American Academy of Nurses.

Dr. Sportsman has experience as a bedside nurse, educator, and administrator. She also has experience in home healthcare. In 1972, she began her teaching career at El Centro College. After obtaining her Ph.D., she served as the administrator of several psychiatric hospitals. About five years later, she returned to teaching and served as Associate Dean at Texas Tech University and Dean of Health Science and Human Services at Midwestern State University. Throughout her teaching career, she has instructed associate and bachelor's degree-level RNs.

Since 2011, Dr. Sportsman has worked as a consultant. In that capacity, she has assisted nursing schools to develop new programs or improve their existing programs. Through this work, she is familiar with the process required for a nursing program to be licensed by the Board. She is also familiar with the

---

<sup>100</sup> Staff Ex. 20.

Board's differentiated essential competencies.<sup>101</sup> Dr. Sportsman has worked with out-of-state nursing schools to ensure compliance with their respective state nursing boards. This out-of-state work has included nursing schools in Florida.

## **2. Texas Registered Nurse Programs**

In Texas, an associate degree takes about two years to complete. Students complete significant clinical hours in medical surgical, obstetrics, pediatrics, and geriatrics. Dr. Sportsman opined that it is essential for nursing students to have clinical experience to integrate their skills. The regulations for clinical coursework are specific as to student to instructor ratio, the use of preceptors, and the evaluation of students during clinical courses. The facilities used by nursing schools are also regulated and require specific resources, including libraries and places for students to congregate.

Nursing programs use examinations, including standardized tests; these tests assist students and instructors in identifying areas that require improvement. The most frequently used standardized tests are the HESI and ATI. It is common for nursing schools to require students to retake classes they fail. Currently, a student is required to score 75% or better to make a "C," which is a passing grade. Most nursing schools only permit students to retake two courses.

Nurses who obtain out-of-state licenses may become licensed in Texas. The Board reviews their application materials and determines whether the out-of-state

---

<sup>101</sup> Dr. Sportsman explained differentiated essential competencies are developed by the Board for Texas nurses and are differentiated based on scope of practice.

nursing program is substantially equivalent to Texas standards. According to Dr. Sportsman, a review for substantial equivalence requires examination of the school's curriculum, particularly the breadth and length of the clinical experiences a student has completed. Clinical programs cannot be conducted online and cannot be based entirely on simulations.

Dr. Sportsman acknowledged nursing students may not be fully aware of the state requirements for nursing programs. She admitted it was reasonable for individuals to contact the associated state board to inquire about a nursing program. Early in her career, Dr. Sportsman contacted the Board regarding the reputation of Baylor University's program. She stated that nurses need to exercise due diligence.

### **3. Operation Nightingale**

Operation Nightingale involved a group of nursing schools in Florida which were identified by the FBI as selling illegitimate nursing diplomas and transcripts.<sup>102</sup> According to Dr. Sportsman, the schools involved in this scheme were providing remediation to students who were unable to complete a nursing program. With remediation, the students could pass the NCLEX. The schools also provided the students with diplomas so they could take the NCLEX. While Dr. Sportsman acknowledged that the NCLEX is a rigorous test, she maintained it is not the only element required to become a competent nurse. According to Dr. Sportsman, the practice followed by these schools was problematic because the students were not completing both didactic and clinical coursework.

---

<sup>102</sup> Staff Ex. 7.

Many of the owners of these schools have been indicted or convicted for their crimes. Some of these individuals admitted that they were running a functional, legitimate program while simultaneously “selling diplomas.” PBSN was among the schools involved in this scheme. Respondent’s name was included on a list of PBSN students who did not complete a legitimate nursing program.<sup>103</sup>

#### **4. Prior Disciplinary History**

In reviewing the documentation associated with Respondent’s prior disciplinary history, Dr. Sportsman testified that this incident demonstrates the importance of close supervision for new nurses. Dr. Sportsman opined Respondent demonstrated issues assessing the patient. According to Dr. Sportsman, Respondent’s prior disciplinary history was concerning. Dr. Sportsman further opined that because Respondent did not pass her last two courses at EIC, she may not have made all the necessary connections.

Dr. Sportsman admitted she was unfamiliar with the exact terms of Respondent’s prior disciplinary Board order and did not have experience in interpreting such orders. She stated that if Respondent completed the remedial coursework required by the Board order but did not complete her supervisory period, this would not demonstrate that Respondent was competent to practice.

---

<sup>103</sup> Staff Ex. 7.

## **5. Opinion: Respondent Did Not Complete a Substantially Equivalent Nursing Program**

Based on Respondent's EIC transcript, Dr. Sportsman opined that the EIC program was similar to other associate degree programs. Had Respondent completed the EIC program, Dr. Sportsman stated it is likely Respondent would have met Texas licensure requirements.<sup>104</sup> According to Dr. Sportsman, while the two classes that Respondent failed might seem like mere review, these classes were the culmination of all the skills students learned throughout the program and provided an opportunity for Respondent to "cement" her clinical and didactic work. Because she did not complete these courses, Respondent did not obtain a nursing degree from EIC. Dr. Sportsman further stated that EIC's mandate that Respondent retake the courses she failed was not unusual.

As to Respondent's EIC clinical coursework, Dr. Sportsman was unable to opine that the clinical courses Respondent completed were substantially equivalent to those required in Texas.<sup>105</sup> In order to fully assess Respondent's clinical work, Dr. Sportsman needed additional information, including the clinical affiliation agreements between EIC and the various hospitals, clinical objectives, and reflection logs or evaluations demonstrating the care Respondent provided in the clinical

---

<sup>104</sup> Dr. Sportsman, however, also raised concerns regarding the sufficiency of EIC's clinical programming as discussed further below.

<sup>105</sup> As discussed further in the analysis section, the issue of whether the EIC program was substantially equivalent to Texas standards is not dispositive because Respondent did not complete the EIC program. However, given that Respondent testified that she had completed enough education in order to take the NCLEX, the ALJ has included Dr. Sportsman's assessment of Respondent's EIC clinical coursework in this proposal for decision.

programs.<sup>106</sup> Based on the course titles on the EIC transcript, Dr. Sportsman could only assume Respondent completed clinical work in the practice areas required by Texas.<sup>107</sup>

In addition, Dr. Sportsman was not provided with any records demonstrating the exact number of clinical hours Respondent completed at EIC. While Dr. Sportsman acknowledged the Board does not require a minimum number of clinical hours for licensure, she did not agree that Respondent's clinical work at EIC was equivalent to Texas standards. Typically, the number of clinical hours for an associate degree program would be between 300 and 1,300 hours, with the average being about 500 hours. According to Dr. Sportsman, Respondent's testimony regarding the clinical hours she completed at EIC was unusual.<sup>108</sup> Dr. Sportsman opined that students do not normally attend clinical courses five days a week for a full shift each day because students who are completing clinical programs simultaneously attend other classes. In her experience, most courses include about two days of clinical work per week.

---

<sup>106</sup> Respondent's Exhibit 3 included a blank skills checklist for the clinical work Respondent completed at St. Michael's Hospital. Because the checklist is blank, it does not aid the ALJ in ascertaining the skills Respondent may have acquired during the clinical course. Respondent's Exhibit 4 included a copy of a Nursing Plan of Care, dated January 25, 2016, for which Respondent received 85%. These were the only documents offered to demonstrate the work Respondent completed in her clinical courses.

<sup>107</sup> As noted above, the EIC transcript did not include separate entries for the completed clinical courses. Dr. Sportsman explained that her assumption regarding the clinical classes Respondent completed could only be accurate if EIC required the correct number of clinical hours for each course listed.

<sup>108</sup> Respondent argued she completed approximately 3,500 clinical hours based on the schedule she described in her testimony.



Dr. Sportsman further opined that the education Respondent received at PBSN was not substantially equivalent to Texas standards. According to Dr. Sportsman, Respondent's description of her studies at PBSN was akin to a review course. Additionally, Respondent's testimony failed to prove that PBSN was teaching the courses it was required to provide by FBN.<sup>109</sup> Dr. Sportsman noted PBSN was only approved for in-person instruction and was not permitted to provide online courses.<sup>110</sup>

To be licensed as a nurse in Texas, a person must graduate from a nursing program. According to Dr. Sportsman, an individual cannot be certified as a graduate of a nursing program unless they complete the required course of study. While students are not required to complete all classes at a single school, the issue here is not Respondent's transfer from EIC to PBSN. Rather, the issue is that Respondent only completed part of a nursing program and did not obtain a legitimate associate degree from a school of nursing. Without a legitimate associate degree, Respondent cannot be licensed in Texas. Though Respondent passed the NCLEX, Dr. Sportsman opined Respondent's clinical competency was questionable. Based on Dr. Sportsman's review, Respondent is not qualified to practice as a nurse in Texas.

---

<sup>109</sup> Staff Ex. 8 at 20.

<sup>110</sup> Staff Ex. 8 at 17.

## V. ANALYSIS

Staff seeks disciplinary action against Respondent for violating the Act and Rules.<sup>111</sup> Specifically, Staff alleges that Respondent fraudulently procured/obtained her nursing license or diploma; practiced under the unlawfully issued license or diploma; used the fraudulently issued diploma; and engaged in unprofessional conduct that was likely to deceive, defraud, or injure a patient or the public.<sup>112</sup> Further, Staff contends Respondent does not meet the Board's educational requirements for licensure. Upon review of the evidence, the ALJ finds disciplinary action is warranted. The ALJ will address each of the allegations in detail below.

### A. RESPONDENT COMMITTED FRAUD

Staff alleged Respondent committed fraud and violated several provisions of the Act, including: "fraud or deceit in procuring a license;"<sup>113</sup> "fraudulently obtaining a diploma, license, or renewal license;"<sup>114</sup> using a license or diploma "that has been fraudulently purchased, issued, counterfeited, or materially altered;"<sup>115</sup> and practicing nursing under a diploma, license, or record that was "obtained unlawfully or fraudulently."<sup>116</sup> Applying the common law definition for fraud discussed above,

---

<sup>111</sup> Tex. Occ. Code § 301.452(b)(1).

<sup>112</sup> Tex. Occ. Code §§ 301.451(1),(3); 452(b)(1), (2), (5), (10); 22 Tex. Admin. Code § 217.12(6)(H), (I).

<sup>113</sup> Tex. Occ. Code § 301.452(b)(2).

<sup>114</sup> Tex. Occ. Code § 301.451(1).

<sup>115</sup> Tex. Occ. Code § 301.452(b)(5).

<sup>116</sup> Tex. Occ. Code § 301.451(3)(A).

the parties disagree as to whether Respondent had the requisite knowledge for fraud, but the remaining elements are undisputed.

After completing the PBSN review course, Respondent applied to the NYBN for licensure. On her NY application, Respondent stated she obtained her associate degree from PBSN. After receiving her NY license, Respondent applied for a Texas license by endorsement; on her Texas application, Respondent again stated that she obtained an associate degree from PBSN. Because Respondent did not hold a legitimate associate degree, these statements on her license applications were material and false. In order to constitute fraud, the evidence must demonstrate that at the time Respondent made these statements, she either knew her representations were false, or she made the representations recklessly without knowledge of their truth. Upon review of the evidence, the ALJ finds Respondent had the requisite mental state for fraud.

Respondent knew that the PBSN program was not legitimate for a number of reasons. First, Respondent had a long history of attending legitimate post-secondary educational institutions. Prior to enrolling at PBSN, Respondent completed three post-secondary degrees in Nigeria and a CNA certificate program in the United States. She also attended three colleges in pursuit of her nursing degree and required prerequisite courses. In addition, based on her experience at EIC, Respondent knew some indicators of a legitimate nursing program: (1) significantly higher tuition costs; (2) required labs and clinical work; (3) classes have course titles and are dedicated to specific subject areas; and (4) these distinctive classes are taught by different professors with known credentials. Most significantly, Respondent knew she failed

two classes at EIC, needed to retake those classes to obtain an associate degree and be registered for the NCLEX, and as discussed below, had not repeated and passed these classes.

Despite this knowledge and her prior experience, Respondent enrolled at PBSN so that she could register for the NCLEX because, in her opinion, EIC was “out to fail” students and she already had obtained “enough education.” While at PBSN, Respondent did not repeat the courses she failed at EIC, nor did she complete any specific didactic or clinical classes. Rather, the evidence demonstrated that she took NCLEX review classes, which focused on whatever topics the professor thought appropriate. Though her professors at EIC were a combination of licensed RNs and instructors with post-graduate degrees, she was unaware of the credentials of either her in-person PBSN instructor or her online instructor. Further, Respondent never received a copy of her transcript. She inexplicably was required to come to PBSN in-person to receive her diploma; at that time the admissions officer drove her to the bank and Respondent withdrew her final tuition amount. Given her prior legitimate educational experiences, this final transaction should have caused Respondent to further question the legitimacy of her PBSN degree. For these reasons, the ALJ finds Respondent knew she did not obtain a legitimate associate degree from PBSN.

In addition, the ALJ finds that a review of Respondent’s licensing applications lends further support to a finding that Respondent knew she did not possess a legitimate nursing degree. On her applications, Respondent stated she attended PBSN from the spring of 2016 to October 2017. However, Respondent did not enroll in PBSN until 2017 and was still attending EIC in the spring of 2016. While this error

may seem innocuous, the ALJ finds it more likely than not that Respondent intentionally misstated these dates in an attempt to mislead the licensing authorities. The evidence demonstrated that an associate degree takes at least two years to complete.<sup>117</sup> Had Respondent listed her actual PBSN enrollment date on these applications, it would have demonstrated that she only attended PBSN for six months, significantly less time than the amount required to complete an associate degree. This would have alerted the licensing authorities that Respondent had not been enrolled at PBSN long enough to complete an associate degree and would likely have caused further scrutiny of her educational qualifications revealing her failure of two classes at EIC and the illegitimacy of her PBSN degree.

Respondent also failed to list her coursework at EIC on either her New York or Texas licensing applications. Respondent maintained it did not occur to her to list EIC on the NY application because PBSN registered her for the NCLEX; the ALJ is not persuaded by this contention. The ALJ can think of no legitimate reason for Respondent to list a nursing program that provided only a review class and registered her for the NCLEX while omitting the nursing program that served as the basis for the vast majority of Respondent's nursing coursework. Respondent knew she failed the Practicum and Capstone courses required for her associate degree at EIC, and that EIC would not register her for the NCLEX as a result of these failures. As with the inaccurate attendance dates discussed above, had Respondent listed EIC on her applications, the licensing authorities may have further investigated her credentials, thus threatening her ability to obtain a license.

---

<sup>117</sup> 22 Tex. Admin. Code § 215.9(a)(1).

In addition, when completing her NY application, Respondent stated she resided in New York, though she actually resided in Texas. Respondent explained she hoped to eventually relocate to New York but resided in Houston so that she could raise the money required to move. While this is a possible explanation, the ALJ does not find Respondent's aspirational desire—even if taken as true<sup>118</sup>—to relocate to New York obviates the false statement regarding her residency.

Accordingly, Respondent's licensing applications demonstrate a pattern of inaccuracies and inconsistencies. While any one of these inaccuracies in a vacuum may not be dispositive, taken together they are indicative of Respondent's conscious effort to mislead the licensing authorities regarding her lack of educational qualifications. The ALJ finds that Respondent's licensing applications support a finding that Respondent knowingly made a false statement when she claimed to have completed an associate degree from PBSN.

Based on Respondent's extensive legitimate post-secondary educational experience and the numerous seemingly calculated misstatements on her licensing applications, a preponderance of the evidence supports a finding that Respondent fraudulently obtained her nursing license in violation of Act section 301.451(1). In addition, Respondent practiced nursing under the unlawfully or fraudulently obtained licenses in violation of Act section 301.451(3)(A). Based on these violations, Staff is authorized to take disciplinary action against Respondent pursuant to

---

<sup>118</sup> The ALJ is mindful that during her testimony on this topic, Respondent was initially evasive. Though she eventually acknowledged she resided in Houston when she completed her NY application, Respondent's initial evasiveness regarding this line of questioning raises concerns regarding her credibility on this issue.

Act section 301.452(b)(1). Further, the ALJ finds that disciplinary action is warranted because Respondent committed fraud or deceit in procuring her nursing license in violation of Act section 301.452(b)(2).

The evidence also demonstrated Respondent violated Act section 301.452(b)(5). This provision prohibits, in pertinent part, use of a nursing license or diploma that has been “fraudulently purchased, issued, counterfeited or materially altered.”<sup>119</sup> As demonstrated above, PBSN fraudulently issued a diploma to Respondent. The term “diploma” is not defined by the Act or Board rules. In common meaning, a diploma is “a document bearing the record of graduation from or a degree conferred by an educational institution.”<sup>120</sup> Phrased another way, a diploma is documentary proof of an educational qualification. While there is no evidence that Respondent attached a copy of her PBSN diploma to her license applications, the absence of such evidence is not dispositive in determining whether Respondent “used” the fraudulently issued diploma. As discussed above, the evidence demonstrated Respondent relied upon the fraudulently issued PBSN diploma and the authority it conferred in order to obtain her licenses. Accordingly, the ALJ finds Respondent used a fraudulently issued diploma in violation of Act section 301.452(b)(5).

---

<sup>119</sup> Tex. Occ. Code § 301.452(b)(5).

<sup>120</sup> *Diploma Definition*, Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/diploma> (last visited August 22, 2024).

**B. RESPONDENT ENGAGED IN UNPROFESSIONAL CONDUCT IN THE PRACTICE OF NURSING**

Staff further alleged Respondent is subject to disciplinary action because she engaged in unprofessional conduct in the practice of nursing that was likely to deceive, defraud, or injure a patient or the public.<sup>121</sup> The Board has defined unprofessional conduct to include, in pertinent part, (1) providing false, deceptive, or misleading information in connection with the practice of nursing and (2) providing false or misleading answers in a licensing or employment matter that could reasonably affect the decision to license, employ, certify, or otherwise utilize a nurse.<sup>122</sup>

Here, Respondent's conduct fell within the definition of unprofessional conduct. As discussed above, Respondent used false and misleading information to obtain her licenses. Had either licensing authority been aware that Respondent lacked the requisite education, Respondent would not have been licensed. By securing a license without obtaining the requisite educational credentials, Respondent was likely to cause injury to a patient or the public. Unfortunately, Respondent's deception may have caused actual harm when she failed to properly assess Child. For these reasons, the ALJ finds Staff met its burden of proving Respondent engaged in unprofessional conduct, in violation of Act section 301.452(b)(10).

---

<sup>121</sup> Tex. Occ. Code § 301.452(b)(10).

<sup>122</sup> 22 Tex. Admin. Code § 217.12(6)(H), (I).



**C. RESPONDENT DID NOT OBTAIN A SUBSTANTIALLY  
EQUIVALENT EDUCATION**

In order to obtain licensure by endorsement in Texas, Respondent must have graduated from an approved nursing education program.<sup>123</sup> The evidence demonstrated that Respondent never completed a nursing education program. Respondent, however, contends that she is qualified to practice as a nurse based on the entirety of her educational endeavors; the ALJ does not concur with Respondent's contention.

As discussed at length above, on her Texas application, Respondent claimed she obtained an associate degree from PBSN. The evidence demonstrated the PBSN program was a review program, conducted primarily online. Yet, even if Respondent had completed an associate degree at PBSN, which the ALJ does not find, the PBSN program would still need to be "substantially equivalent" to Texas standards.<sup>124</sup> As discussed further below, Dr. Sportsman opined that PBSN was not a substantially equivalent program.

In Texas, an associate degree takes at least two years to complete and requires didactic and clinical coursework. According to Dr. Sportsman, the average number of clinical hours is about 500 hours. Clinical coursework cannot be completed online, nor can clinical classes be based solely on simulations. According to Dr. Sportsman, nursing school facilities must include certain resources such as libraries.

---

<sup>123</sup> Tex. Occ. Code § 301.260; 22 Tex. Admin. Code § 217.5(a)(1).

<sup>124</sup> Tex. Occ. Code § 301.157(d-8), (1)-(5).

Respondent attended PBSN for approximately six months. It is uncontested she did not complete any clinical coursework at PBSN. Rather, Respondent attended an NCLEX review taught by two individuals with unknown credentials. When asked about the curriculum, Respondent said the professor taught whatever he felt was appropriate. While attending PBSN, Respondent did not retake the classes she failed at EIC. The PBSN facilities were limited to a single building containing a few classrooms, offices, and a lab; it does not appear the school had a library on the premises. When in attendance at PBSN, Respondent did not use the lab for coursework. Based on Respondent's description of the PBSN program, Dr. Sportsman opined that the program was a review course.

Further, Respondent's coursework at EIC also does not fulfill the educational requirements for licensure because Respondent never successfully graduated from the program. It is uncontested that Respondent failed her Practicum and Capstone courses. Respondent attempted to minimize the significance of these courses, describing them as mere reviews. Dr. Sportsman, however, explained that these final courses provided an opportunity for students to combine their clinical skills and didactic studies. In analyzing the incident underlying Respondent's prior disciplinary history, Dr. Sportsman noted that Respondent's failure to pass these courses may have demonstrated that Respondent did not make all the necessary connections required to practice nursing.

In addition, Dr. Sportsman could not opine that Respondent's clinical coursework at EIC was substantially equivalent to Texas standards. The EIC transcripts did not provide the hours completed in clinical courses; as a result,

Dr. Sportsman could only assume EIC was providing an appropriate number of clinical hours for each course. Further, Dr. Sportsman was unable to review additional documentation that would have elucidated the content of EIC's clinical courses. Respondent's testimony regarding her clinical classes at EIC raised concerns rather than providing clarification. Specifically, Respondent testified that several of her clinical programs required eight to 12-hour days, four to five days a week, for 12 weeks. Dr. Sportsman testified that this type of clinical schedule would be unusual because it would not allow students to simultaneously complete didactic coursework. Respondent's apparent exaggeration of her clinical hours calls into question the credibility of her testimony regarding her clinical experience at EIC.

For these reasons, the evidence does not demonstrate Respondent completed a substantially equivalent nursing education that would qualify her for a Texas license.<sup>125</sup>

## **D. SANCTION ANALYSIS**

### **1. Violations of the Act**

Because Respondent fraudulently obtained a license and practiced nursing under that license, Respondent violated the Act section 301.451 and, by extension, Act section 301.452(b)(1), which authorizes the Board to take disciplinary action for a violation of the Act. Staff also met its burden of proof as to the violations charged

---

<sup>125</sup> Tex. Occ. Code § 301.157(d), (d-4).

under Act section 301.452(b)(2), (5), and (10). The Matrix directs that the most severe sanction recommended for any of the violations should be considered.<sup>126</sup>

The Matrix<sup>127</sup> provides tiers and sanction levels for a violation of Act section 301.452(b)(1). However, the Matrix pertaining to this provision mainly contemplates violations of a Board order. Here, Respondent's conduct does not fit neatly into such an analysis. However, in considering the Matrix, the ALJ finds that Respondent's conduct would fall under Tier 2 because Respondent engaged in fraud or falsification with regard to the substantive educational requirements necessary for licensure. Additionally, Respondent's failure to meet the substantial educational requirements posed a risk of harm to patients and the public.

As to Respondent's violation of Act section 301.452(b)(2), the Matrix provides that a Tier 1 offense involves failure to honestly and accurately provide information that may have affected the Board's determination regarding licensure. However, the ALJ concurs with Staff that a Tier 2 offense is more applicable to Respondent's conduct because it requires an intentional misrepresentation of previous nurse education.<sup>128</sup> As discussed above, the evidence demonstrated Respondent knew she did not possess the requisite education for licensure and intentionally misrepresented her qualifications on her New York and Texas applications.

---

<sup>126</sup> Tex. Occ. Code § 301.4531(c)(1); 22 Tex. Admin. Code § 213.33(c).

<sup>127</sup> 22 Tex. Admin. Code § 213.33(b).

<sup>128</sup> 22 Tex. Admin. Code § 213.33(b).

For violations of Act section 301.452(b)(5), the Matrix does not provide tiers. As to Respondent's violation of Act section 301.452(b)(10), the Matrix primarily addresses failure of an individual to comply with a Board rule regarding unprofessional conduct. Upon review of the Matrix, the ALJ agrees with Staff that Respondent's conduct would meet the requirements of Tier 2 because it was not an isolated failure and because Respondent's conduct resulted in a serious risk to patients or public safety. The evidence demonstrated Respondent violated the substantive requirement to successfully complete a nursing program. Practicing without an appropriate education posed a serious risk.

Based on the facts presented, Respondent's conduct is most appropriately considered fraud or deceit in procuring a license under Act section 301.452(b)(2). The recommended sanction for this violation depends on whether the aggravating and mitigating factors establish that the conduct should be categorized under Sanction Level I or II.<sup>129</sup> The evidence demonstrated multiple aggravating factors in this matter, including:

- actual or potential harm to patients, clients or the public;
- lack of truthfulness or trustworthiness;
- misrepresentation of education or credentials which led a member of the public, an employer, a member of the health-care team, or a patient to rely on the misrepresented fact where such reliance could be unsafe;
- poor practice history;
- previous disciplinary action by the Board;
- failure to stop or correct the violation; the evidence demonstrated that as recently as her 2023 renewal application, Respondent continued to

---

<sup>129</sup> 22 Tex. Admin. Code § 213.33(c)

perpetuate fraudulent statements regarding her educational qualifications;

- the violation was serious; and
- the violation posed a threat to public safety.<sup>130</sup>

Further, for violations of Act section 301.452(b)(2), the Matrix identifies several additional aggravating factors.<sup>131</sup> Here, Respondent committed multiple offenses, though all were based on the same factual predicate.<sup>132</sup> In addition, the information Respondent failed to disclose was relevant and serious. Had the Board been aware that Respondent had not successfully completed a nursing program and that Respondent's NY license was issued based on Respondent's misrepresentations regarding her qualifications, the Board would not have issued a license to Respondent. No evidence of mitigating factors was provided.

Based on these aggravating factors, the ALJ finds Respondent's sanction falls within Sanction Level II.<sup>133</sup> Tier 2, Sanction Level I, which is the less egregious sanction level, only allows denial or revocation. Tier 2, Sanction Level II contemplates temporary suspension of a nurse's license without a hearing. Such a suspension may, according to the Matrix, "ultimately result in revocation."<sup>134</sup> Therefore, the ALJ recommends the Board revoke Respondent's RN license.

---

<sup>130</sup> 22 Tex. Admin. Code § 213.33(c)(1)-(4), (6), (10), (14)-(15).

<sup>131</sup> 22 Tex. Admin. Code § 213.33(b).

<sup>132</sup> 22 Tex. Admin. Code § 213.33(b).

<sup>133</sup> 22 Tex. Admin. Code § 213.33(b).

<sup>134</sup> 22 Tex. Admin. Code § 213.33(b).

## **2. Failure to Obtain a Substantially Equivalent Education Pursuant to Texas Standards**

The Board is responsible for regulating nursing practice. In that capacity, the Board imposes certain requirements, including educational qualifications, to ensure the public safety. Here, Respondent did not complete a nursing program at EIC because she failed two classes. While it is unclear whether a nursing degree from EIC would be substantially equivalent to the Texas standard, such an analysis is irrelevant here because Respondent did not complete her associate degree at EIC. Further, even if Respondent obtained an associate degree from PBSN, which the ALJ does not find, the PBSN program was not substantially equivalent to Texas standards.<sup>135</sup> Respondent completed no substantive didactic or clinical coursework at PBSN. The program was only six months long. In addition, most of Respondent's PBSN program was completed online, and PBSN was not authorized to provide online classes.

Accordingly, because Respondent has not successfully completed a nursing education program, she does not meet the Board standards for licensure in Texas. Based on Respondent's lack of eligibility to practice in Texas, the ALJ recommends that the Board uphold the denial of Respondent's renewal application.

## **VI. FINDINGS OF FACT**

1. Christianah Bello (Respondent) completed three post-secondary education programs in Nigeria, including a national certificate of education, a four-year degree in chemistry education, and a master's degree in library science. The

---

<sup>135</sup> Tex. Occ. Code §§ 301.157(d), (d-4), (d-8), .260; 22 Tex. Admin. Code § 217.5(a)(1).

evidence demonstrated these post-graduate programs were at legitimate post-secondary institutions.

2. In 2009, Respondent moved to the United States and completed a Certified Nursing Assistant (CNA) program at the Branford Health Institute in New Jersey. The evidence demonstrated Respondent's CNA program was a legitimate program.
3. Respondent worked as a CNA for four years before deciding to obtain her nursing degree.
4. From 2013 to 2015, Respondent attended Union Community College (Union). The evidence demonstrated Union was a legitimate educational program.
5. In 2015, Respondent attended Middlesex County College (Middlesex) in order to complete a course in English composition. The evidence demonstrated Middlesex was a legitimate educational program.
6. In May 2015, Respondent enrolled in Eastern International College (EIC) to pursue an associate degree in nursing (associate degree). She attended EIC until the spring semester of 2017.
7. The EIC program was 18 months long and required tuition in the amount of \$8,555 per 12 credit hours.
8. The evidence demonstrated EIC was a legitimate nursing program.
9. As a result of her post-secondary education, Respondent had familiarity and experience with legitimate educational institutions. Further, based on her experience at EIC, Respondent had familiarity and experience with a legitimate nursing program.
10. While at EIC, Respondent completed clinical coursework in the following courses: Fundamentals of Nursing, Adult Health I/Medical Surgical, Adult Health II/Medical Surgical, Psychiatric-Mental Health Nursing, Obstetrics, Pediatrics, and Critical Care. A preceptor was always present during Respondent's clinical coursework. The exact number of clinical hours completed by Respondent at EIC is unknown.



11. In 2017, Respondent failed Concept Synthesis Capstone (Captone) and Senior Clinical Practicum (Practicum) at EIC. EIC informed Respondent she would be required to retake Capstone and Practicum. The total tuition required to retake these courses was \$7,000, which Respondent could not afford.
12. Because Respondent failed two classes, EIC would not register her for the NCLEX (National Council Licensure Examination for Registered Nurses).
13. Respondent did not complete the EIC nursing program and did not obtain an associate degree from EIC.
14. Respondent was aware that she did not successfully complete the EIC nursing program and did not obtain an associate degree from EIC.
15. At some point after failing two classes at EIC in the spring semester of 2017, Respondent enrolled in a review class in New York for the NCLEX. This review class did not offer or award Respondent with an associate degree. While attending the New York review class, she learned about a review course at Palm Beach School of Nursing (PBSN) in Florida. The New York instructor who taught the review class informed Respondent that if she attended the PBSN review course she would be registered for the NCLEX, and tuition fees would be minimal.
16. The PBSN campus was located in a shopping complex and consisted of one building, which contained four classrooms, an administrative office, simulation laboratory (lab), and the director of nursing's office. Respondent did not use the lab for coursework and was not required to purchase textbooks for the PBSN program. PBSN was not permitted to provide online programming and was only approved for in-person instruction. The majority of the classes Respondent attended at PBSN were online, however, she also visited PBSN in-person an unknown number of times and attended in-person lectures.
17. Prior to visiting or fully enrolling at PBSN, Respondent paid PBSN \$2,000. During her time at PBSN, she also paid \$100 for the admission form and fees for accommodations and transportation.
18. Prior to starting her coursework at PBSN, PBSN admissions officer Sofia Ossia provided Respondent with a list of highlighted courses

Respondent would need to take for the PBSN program. Respondent did not complete these courses at PBSN.

19. The program Respondent completed at PBSN did not have a specific curriculum or course titles. The instructor taught the students what he deemed to be appropriate.
20. During her tenure at PBSN, Respondent did not complete any clinical coursework.
21. Respondent's PBSN coursework was a review class.
22. Respondent did not obtain a legitimate nursing degree from PBSN because she only completed a review course and did not retake the classes that she failed at EIC or any other didactic or clinical courses.
23. In July 2017, Respondent moved to Houston, Texas.
24. On October 25, 2017, Respondent traveled to PBSN to collect her transcript and diploma. Ms. Ossia gave Respondent her diploma and drove Respondent to the bank. Respondent paid Ms. Ossia an additional \$2,000 at that time.
25. Respondent paid approximately \$4,100 for the review course at PBSN, excluding additional expenses such as accommodations and transportation. This amount was less than the \$7,000 she would have been required to pay to retake the courses she failed at EIC.
26. Respondent never received a copy of her PBSN transcript.
27. Because Respondent did not successfully complete a nursing education program and does not have a nursing degree, Respondent is not qualified to practice as a nurse in Texas.
28. PBSN registered Respondent for the NCLEX through the New York Board of Nursing (NYBN), though Respondent was residing in Texas at the time.
29. When completing her application for RN licensure in New York (NY application), Respondent made the following false statements: she obtained an associate degree in nursing from PBSN; she currently resided in

New York; and she attended PBSN from April 2016 to October 2017. Respondent also failed to list her coursework at EIC and Middlesex even though the NY application required a list of all educational institutions attended. Respondent knew that this information was false.

30. Respondent made these false statements in order to mislead the NYBN regarding her educational qualifications.
31. Had the NYBN been aware Respondent did not meet the educational requirements for licensure, NYBN would not have issued a license to Respondent.
32. By knowingly providing false information on her NY application, Respondent engaged in fraud or deceit in procuring/obtaining a license.
33. Respondent passed the NCLEX exam.
34. On January 11, 2018, Respondent was licensed as an RN in New York (NY license).
35. After obtaining her NY license, Respondent applied for Texas RN licensure by endorsement (Texas application).
36. On her Texas application, Respondent made the following false statements: she obtained an associate degree in nursing from PBSN, and she attended PBSN from March 2016 to October 2017, though she actually attended PBSN for approximately six months in 2017. In addition, Respondent did not list EIC or Middlesex on her Texas application.
37. Respondent knew that the information she provided on her Texas application was false.
38. Respondent made these false statements in order to mislead the Board regarding her educational qualifications.
39. Had the Board been aware of Respondent's lack of requisite educational qualifications, the Board would not have issued a license to Respondent.
40. On February 6, 2018, the Board issued RN License No. 938895 to Respondent.

41. Upon obtaining her Texas RN license, Respondent began working for Thrive Skilled Pediatric Care (Thrive) in Houston.
42. In August 2018, she was assigned to assist Child who was in a home health setting and relied on a ventilator. During Respondent's shift, Child experienced respiratory distress and died. Thrive terminated Respondent. The Board sought disciplinary action against Petitioner as a result of this incident. Respondent requested a hearing before the State Office of Administrative Hearings (SOAH). SOAH Administrative Law Judge (ALJ) Sarah Starnes found Respondent accepted the assignment to care for Child despite lacking sufficient orientation and training; failed to follow minimum standards and engaged in unprofessional conduct; failed to accurately assess Child's breath status; failed to appropriately respond to an alarming pulse oximeter; and failed to accurately document her assessments.
43. As a result of this incident, the Board imposed an enforced suspension followed by a two-year probationary period against Respondent. Respondent was required to complete remedial courses and to be supervised during a portion of her probationary period.
44. After her termination from Thrive, Respondent worked for Epic Health Care Services (Aveanna), Bellaire Behavioral Hospital, and Houston Behavioral Hospital.
45. Respondent was terminated by Bellaire Behavioral Hospital and Houston Behavioral Hospital.
46. In January 2023, the Federal Bureau of Investigation and the United States Department of Health and Human Services-Office of the Inspector General announced Operation Nightingale, a law enforcement investigation that implicated certain nursing programs in a fraudulent diploma scheme. PBSN was among the nursing programs alleged to have participated in the scheme.
47. On March 1, 2023, the Board informed Respondent her name had been included on a list of students who received an illegitimate degree, diploma, or transcript.
48. On August 12, 2023, Respondent completed her Texas renewal RN license application (renewal application). On the renewal application, Respondent

stated she obtained an associate degree in nursing from PBSN. She did not list Middlesex or EIC.

49. The staff (Staff) of the Board opened an investigation and proposed to revoke Respondent's Texas license and deny her renewal application.
50. Respondent timely requested a contested-case hearing through SOAH.
51. On May 29, 2024, Staff sent Respondent its First Amended Notice of Hearing and Second Amended Formal Charges. Together, the Notice of Hearing and Second Amended Formal Charges 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 either a short, plain statement of the factual matters asserted or an attachment that incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency.
52. SOAH ALJ Whitney L. Stoebner convened the hearing on the merits via Zoom videoconference on June 13, 2024. Assistant General Counsel JoAnna Starr represented Staff. Respondent appeared and was represented by Elisabeth "Betty" Smith. The record closed on July 22, 2024, to allow the parties to file written closing arguments.

## VII. CONCLUSIONS OF LAW

1. The Board has jurisdiction over the licensing and discipline of nurses. Tex. Occ. Code chs. 301, 304.
2. Respondent received adequate and proper notice of the hearing on the merits. Tex. Occ. Code § 301.454; Tex. Gov't Code §§ 2001.051-.052.
3. Staff had the burden of proving that disciplinary action against Respondent's license was warranted, and Respondent had the burden of establishing any mitigating evidence. 1 Tex. Admin. Code § 155.427.
4. The standard of proof in this case is a preponderance of the evidence. *Granek v. Tex. St. Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005,

no pet.); *Sw. Pub. Serv. Co. v. Pub. Util. Comm'n of Tex.*, 962 S.W.2d 207, 213-14 (Tex. App.—Austin 1998, pet. denied).

5. Staff met its burden of proof to demonstrate Respondent fraudulently obtained a nursing license and practiced nursing under an unlawfully obtained license in violation of the Act. Tex. Occ. Code § 301.451(1), (3).
6. Respondent is subject to disciplinary action for violating the Nursing Practice Act (Act). Tex. Occ. Code. §§ 301.451(1),(3), .452(b)(1).
7. Further, Staff met its burden of proof to demonstrate Respondent engaged in fraud or deceit in procuring a license to practice nursing, used a fraudulently issued nursing diploma, and engaged in unprofessional conduct in the practice of nursing that was likely to deceive, defraud, or injure a patient or the public. Respondent is subject to disciplinary action for this conduct. Tex. Occ. Code § 301.452(b)(2), (5), (10); 22 Tex. Admin. Code 217.12(6)(H), (I).
8. The Board may impose a disciplinary sanction, which can range from remedial education to revocation of licensure, and which may include the assessment of a fine. Tex. Occ. Code § 301.453; 22 Tex. Admin. Code § 213.33(e).
9. If multiple violations of the Nursing Practice Act and/or Board rules are present in a single case, the most severe sanction recommended by the Board's Disciplinary Matrix (Matrix) for any one of the individual offenses should be considered by the Board and SOAH pursuant to Act section 301.4531. 22 Tex. Admin. Code § 213.33(c).
10. In order to determine the appropriate disciplinary sanction, the Board must consider the factors, including aggravating and mitigating circumstances, set forth in Texas Occupations Code section 301.4531(b), 22 Texas Administrative Code section 213.33(c), and the Matrix. 22 Tex. Admin. Code § 213.33(b).
11. Aggravating factors include evidence of actual or potential harm to patients clients, or the public; lack of truthfulness or trustworthiness; misrepresentation of education or credentials that would lead a member of the public, an employer, a member of the health-care team, or a patient to rely on the misrepresentation where such reliance could be unsafe; practice history;

whether the person has been previously disciplined by the Board; attempts by the person to correct or stop the violation; the seriousness of the violation; and the threat to public safety. 22 Tex. Admin. Code § 213.33(c).

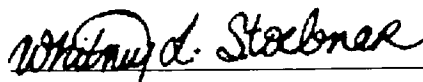
12. In Texas, an RN program of study requires completion of didactic and clinical learning with a suggested ratio of one hour of didactic study to three hours of related clinical experience. 22 Tex. Admin. Code §§ 215.9(a), (c)(4).
13. Course content for an RN program of study must include didactic and clinical experiences in medical surgical, maternal/child health, pediatrics, and mental health. 22 Tex. Admin. Code § 215.9(e)(2).
14. Instruction for an RN program of study must include, in part, student/faculty interactive learning activities; lectures; skills lab instruction and demonstration; simulation lab instruction; and supervised clinical learning. 22 Tex. Admin. Code § 215.9(c).
15. Respondent's nursing program through PBSN was not an approved program and was not substantially equivalent to Texas standards for RN programs. Tex. Occ. Code §§ 301.157(d), (d-4), (d-8)(1)-(5), .260; 22 Tex. Admin. Code § 217.5(a)(1).

### **VIII. RECOMMENDATION**

The ALJ recommends the Board deny Respondent's renewal application and revoke her license.

**Signed September 6, 2024.**

ALJ Signature:

A handwritten signature in black ink, reading "Whitney L. Stoebner", is written over a horizontal line.

Whitney L. Stoebner

Presiding Administrative Law Judge

FILED  
507-24-05522  
9/24/2024 11:34 AM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Amy Robles, CLERK

ACCEPTED  
507-24-05522  
9/24/2024 11:45:34 am  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Amy Robles, CLERK

# State Office of Administrative Hearings

Kristofer S. Monson  
Chief Administrative Law Judge

September 24, 2024

Texas Board of Nursing  
Attn. JoAnna Starr, Staffy Attorney

**VIA EFILE TEXAS**

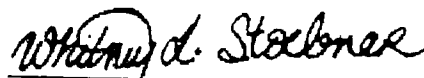
Elisabeth "Betty" Smith  
Attorney for Respondent

**VIA EFILE TEXAS**

**RE: Docket Number 507-24-05522.TBN; Texas Board of Nursing  
No. 507-24-05522; *Texas Board of Nursing v. Christianah Bello***

Dear Parties:

Please be advised that the time period to file exceptions to the Proposal for Decision (PFD) issued in the above-referenced hearing has expired and neither party filed exceptions. Therefore, the Administrative Law Judge recommends that the PFD be adopted as written. Because SOAH has concluded its involvement in the matter, the case is being returned to the **Texas Board of Nursing**.



Whitney L. Stuebner  
Presiding Administrative Law Judge

CC: Service List