

BEFORE THE TEXAS BOARD OF NURSING



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.  
*Katherine A. Thomas*  
Executive Director of the Board

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In the Matter of Vocational Nurse           §       AGREED  
License Number 177166                       §  
issued to LUCKY O. OSA                     §       ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LUCKY O. OSA, Vocational Nurse License Number 177166, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated TEX. REV. CIV. STAT. ANN 4528c, sec 10(a)(3)&(9)(effective 9/1/1985), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 4, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate of Vocational Nursing from the University of Lagos, Yaba Lagos State Nigeria, on June 21, 1989. Respondent was licensed to practice vocational nursing in the State of Texas on September 20, 2000.
5. Respondent's nursing employment history is unknown.

6. On or about September 20, 2000, Respondent submitted a Application by Endorsement to the Board of Vocational Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you ever been convicted of a felony?"

Respondent failed to disclose that on December 10, 1987, Respondent entered a plea of Guilty and was convicted of COUNT 3 BANK FRAUD AND COUNT 4 FALSE USE OF SOCIAL SECURITY NUMBER (a felony offense) , in the United States District Court for the Northern District of Texas, under Cause Number CR 3-87-212-T. As a result of his conviction on Count 3, Respondent was sentenced to confinement in the Custody of the Attorney General for a period of one (1) year. As a result of his conviction on Count 4, imposition of sentence was suspended and Respondent was placed on probation for a period of five (5) years, said sentence consecutive to the sentence imposed on Count 3. Additionally, Respondent was ordered to pay a fine and court costs. On or about December 10, 1987, COUNTS 1 & 2 were dismissed in the United States District Court for the Northern District of Texas.

7. Formal Charges were filed on October 18, 2010.
8. Formal Charges were mailed to Respondent on October 19, 2010.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of TEX. REV. CIV. STAT. ANN 4528c, sec 10(a)(3)&(9)(effective 9/1/1985), Texas Occupations Code, and 22 TEX. ADMIN. CODE §231.81(3)&(6)(effective 9/1/1985).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 177166, heretofore issued to LUCKY O. OSA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive

the sanction of a REMEDIAL EDUCATION AND A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception;

Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred and fifty (\$250) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

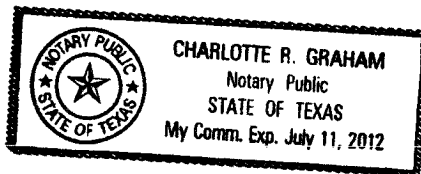
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to this Order and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.



Signed this 5<sup>th</sup> day of April, 20 11.

LUCKY O. OSA  
LUCKY O. OSA, Respondent

Sworn to and subscribed before me this 5<sup>th</sup> day of April, 20 11.

SEAL

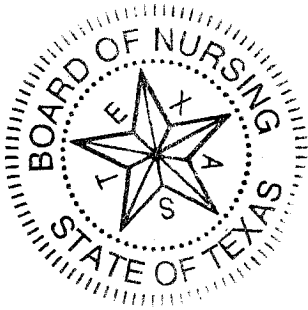
Charlotte R. Graham  
Notary Public in and for the State of Texas

Approved as to form and substance.

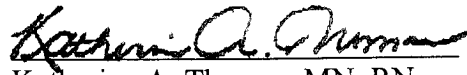
Jason Partney  
JASON PARTNEY, Attorney for Respondent

Signed this 7 day of April, 20 11.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 5th day of April, 2011, by LUCKY O. OSA , Vocational Nurse License Number 177166, and said Order is final.



Effective this 8th day of April, 2011.

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