BEFORE THE TEXAS BOARD OF NURSING

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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.
Executive Director of the Board

In the Matter of Registered Nurse	§	AGREED
License Number 650372	§	
issued to TOOCHUKWU ENDALINE MBA	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the E produced evidence indicating that TOOCHUKWU ENDALINE MBA, hereinafter referred Respondent, Registered Nurse License Number 650372, may have violated Section 301.452(b)(10) & (13), Texas Occupations Code.

An informal conference was held on September 28, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Nancy Roper Willson, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Cynthia A. Smith, Supervising Investigator.

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.

2. Respondent waived notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Diploma in Nursing from the School of Nursing, Our Lady of Mercy Hospital, Umulogho Obowu Imo State Nigeria on November 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on April 30, 1998.

5. Respondent's nursing employment history includes:

4/1993 - 2/1994	Registered Nurse Miller Medical Centre Port Harcourt, Nigeria
3/1994 - 11/1995	Unknown
11/1995 - 3/1997	Registered Nurse Nomegal Generations Hospital Lagos, Nigeria
6/1998 - 07/2000	Registered Nurse Mariner Post Acutenetwork Dallas, Texas
7/2000- 7/2009	Registered Nurse Texas Health Resources Presbyterian Hospital, Dallas, Texas
8/2009 - Present	Unknown

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Texas Health Presbyterian Hospital of Dallas, Dallas, Texas, and had been in this position for eight (8) years and eleven (11) months.

7. On or about May 31, 2008, while employed with Texas Health Presbyterian Hospital of Dallas, Dallas, Texas, Respondent failed to administer pain medication to Patient Medical Record Number 582067, in a timely manner. Respondent's conduct deprived the patient of pain management, which may have caused the patient to unnecessarily suffer pain and consequently results in a delay in the patient's recovery.

8. In response to Finding of Fact Number Seven (7), Respondent denies that she failed to administer pain medication in a timely manner and states that she always medicates her patients as soon as they make a request. Respondent reports that she assessed this patient and notes that the patient seemed confused but was not complaining of pain at 9:00 a.m. and 11:30 a.m. Respondent states that the patient complained of pain the first time at 14:30 and she administered Percocet. At 1530, she paged the physician and informed him that the patient needed stronger pain medication and received an order for Demerol. Respondent reports that she administered Demerol at 1600 and 1835 and received another order for Demerol q 1 hr as needed and Valium q 8 hrs as needed. Respondent states that at the end of her shift, these orders were still not verified by the pharmacy when she gave report to the on-coming nurse.

9. On or about December 22, 2008, while employed with Texas Health Presbyterian Hospital of Dallas, Dallas, Texas, Respondent incorrectly infused blood products to Patient Medical Record Number 134556 in that she incorrectly set the rate for blood products to infuse over four (4) hours, instead of two (2) hours, as ordered by the physician. Respondent's conduct was likely to injure the patient from adverse reactions due to the administration of degraded blood products.

10. In response to Finding of Fact Number Nine (9), Respondent denies that she failed to administer blood products in a responsible manner. Respondent states that her notes indicate that she started the blood at 2030 and at 2045, she checked the patient and noted there was no reaction. Respondent's shift ended at 2300, at which time she gave report to the on-coming nurse, who she recalls being upset that she was going to have to administer the second unit. At 2315, Respondent checked on the patient one last time and noted no reaction. Respondent asserts that if the transfusion was not completed timely, she was unable to tell by the records. The night nurse's notes entered at 0252 indicate when the second unit was started but there is no documentation when the first unit was complete.

11. On or about December 31, 2008, while employed with Texas Health Presbyterian Hospital of Dallas, Dallas, Texas, Respondent failed to institute the appropriate nursing intervention for Patient 134556 who complained of shoulder pain and nausea, had ST elevation, and was experiencing symptoms of an myocardial infarction (MI) on or about December 31, 2008. Respondent's conduct deprived the patient of timely medical intervention required to stabilize the patient's condition.

12. In response to Finding of Fact Number Eleven (11), Respondent denies that she failed to recognize or institute intervention for an MI and states that she acted in accordance with the information she had. Respondent reports that she was NEVER told by the Monitor Tech of an ST elevation or "tombstones" or that there were any changes in the patient and states that when the patient complained of not feeling well, she called the Monitor Tech, who informed her there were NO changes. Respondent reports that the first time she was told about the changes was when the charge nurse told her in the hallway and she immediately called the Rapid Response Team. Respondent admits that she could not interpret a ""tombstone" on a telemetry strip and had never seen such a strip in the entire 71/2 years of her practice on the telemetry floor. Respondent states that she decided to repeat a basic EKG class which she did on September 4, 2009.

13. On or about January 5, 2009, while employed with Texas Health Presbyterian Hospital of Dallas, Dallas, Texas, Respondent failed to report the results of a STAT HCT collected from Patient #32302, who had been admitted with gastrointestinal bleeding, as ordered by the physician. Respondent's conduct deprived the physician of essential information for detection and timely medical intervention of a significant change in the patient's status, which may have been required to stabilize the patient.

14. In response to Finding of Fact Number Thirteen (13), Respondent states she may have failed to verbally communicate the order to page Dr. Melo regarding the results and states this was an error on her part. Respondent asserts that she took full responsibility for the oversight at the time and now.

15. On or about July 14, 2009, while employed with Texas Health Presbyterian Hospital, Dallas, Texas, Respondent administered blood to Patient Medical Record Number 675632 without a physician's order. Respondent's conduct placed the patient at risk of adverse reactions to transfusion which include chills, fever and even coma.

16. In response to Finding of Fact Number Fifteen (15), Respondent states that she worked the 3pm-11pm shift on July 14, 2009 and admitted the patient who was very anemic with a low hemoglobin level of 7. The physician, a new resident, entered the following order in the patient's chart on the computer. "Type and cross-match 2 units of blood today." Respondent states she started a transfusion in accordance with hospital policy, which included another nurse verifying the order. The blood infused without any patient reaction. Respondent later was told that the physician had intended the blood to be infused the following morning.

17. On September 4, 2009, Respondent completed a course entitled "Basic ECG Interpretation", which would have been a requirement of this Order.

18. On August 7, 2010, Respondent completed a course entitled "Sharpening Critical Thinking Skills", which would have been requirement of this Order.

19. On August 18, 2010, Respondent completed a course entitled "Protecting Your Patients and Your Practice", which would have been a requirement of this Order.

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 Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B),(C),(D), (M) & (P) and 22 TEX. ADMIN. CODE §217.12(1)(A) & (B) & (4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 650372, heretofore issued to TOOCHUKWU ENDALINE MBA, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, 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 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 is 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 Texas Board of Nursing 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 medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks

of medication administration only. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this

course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit

the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice

nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) years of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license 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 the Findings of Fact, Conclusions of Law, 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of December, 2010.

T. Mba
TOOCHUKWU ENDALINE MBA, Respondent

BRIAN P. HENRY
Notary Public
STATE OF TEXAS
My Comm. Exp. 10-08-11

Sworn to and subscribed before me this 14 day of December, 2010.

HENRY
Public
STATE OF TEXAS
My Comm. Exp. 10-08-11

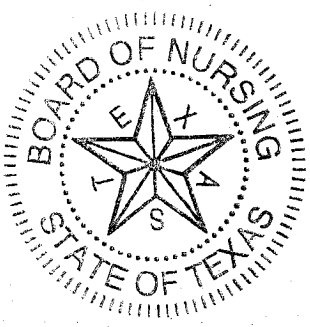
Notary Public in and for the State of Texas

Approved as to form ~~and substance~~.

Nancy Roger Willson
Nancy Roger Willson, Attorney for Respondent

Signed this 14th day of December, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of December, 2010, 2010, by TOOCHUKWU ENDALINE MBA, Registered Nurse License Number 650372, and said Order is final.



Effective this 27th day of January, 2011.

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