

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.
Patricia P. Thomas
Executive Director of the Board

In the Matter of Vocational Nurse
License Number 139266, and
Registered Nurse License Number 603879
issued to VICTOR CHINEDUM CHUKWUOCHA

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REINSTATEMENT
AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter refer the Board, the Petition for Reinstatement of Vocational Nurse License Number 139266 and Registered License Number 603879, held by VICTOR CHINEDUM CHUKWUOCHA, hereinafter referred to as Petitioner.

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

Petitioner appeared in person. Petitioner was represented by Oscar San Miguel, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Dominique Mackay, Investigator; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from San Jacinto College North, Houston, Texas on April 30, 1992. Petitioner was licensed to practice vocational nursing in the State of Texas on December 6, 1992. Petitioner received an Associate Degree in Nursing from Regents College, Albany, New York, on January 14, 1994. Petitioner was licensed to practice professional nursing in the State of Texas on June 6, 1994. Petitioner received a Baccalaureate Degree in Nursing from Prairie View A&M University, Prairie View, Texas, on July 29, 2000.

4. Petitioner's nursing employment history includes:

10/92 - 11/93	LVN	Intracare Medical Pavilion Hospital Houston, Texas
10/93 - 12/94	LVN	Ben Taub General Hospital Houston, Texas
8/94 - 12/96	Agency RN	Quality Health Services Houston, Texas
12/94 - 8/96	Agency RN	Flex Medical Service Houston, Texas
2/95 to Unknown	Staff Nurse	UTMB - TDCJ Managed Care Richmond, Texas
8/99 - 11/01	Staff Nurse	Memorial Hermann Hospital Southwest Houston, Texas
10/01 - 2002	Case Manager	St. Jean Home Health Houston, Texas
2003 - 2004	Staff Nurse	Heartland Nursing Home Houston, Texas
2005 - present	Not employed in nursing	

5. On November 30, 2007, the Texas Board of Nursing accepted the voluntary surrender of Petitioner's license to practice vocational and professional nursing in the State of Texas. A copy of the November 30, 2007, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
6. On or about April 9, 2010, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
7. Petitioner presented the following in support of his petition:
- 7.1. Letter of support, dated March 20, 2010, from David Ubak, President, All Star National Insurance, Sugar Land, Texas, states he has known Petitioner for over twenty (20) years. He is a responsible husband and father. Petitioner is a straight forward and caring , hard working person. He had graduated from school of nursing with flying colors and had worked as a nurse for many years to the satisfaction of his patients. Petitioner loves the nursing profession. Mr. Ubak is aware of the mistakes that affected his nursing license. Mr. Ubak

believes Petitioner has learned from those mistakes and has taken corrective measures to see that such mistakes do not occur in the future.

- 7.2. Letter of support, dated March 12, 2010, from Douhou Guei Beuzeise, Houston, Texas, states she first met Petitioner when she was a patient at Memorial Hermann Hospital Southwest, Houston, Texas, in 2001/2002. Petitioner was her nurse and she received excellent nursing care. Petitioner would cheer her up and encourage her. In January 2009, Ms. Beuzeise saw Petitioner again at a taxi stand in Houston, working as a taxi driver. PETITIONER informed Ms. Beuzeise why he surrendered his license to practice and that he was applying for reinstatement. Ms. Beuzeise thought it would be right to let the Board know about her experience with Petitioner. Petitioner is a caring, honest, humble, compassionate man and a responsible husband and father with five wonderful children. Ms. Beuzeise is convinced that Petitioner has been rehabilitated and she strongly recommends that his nursing license be reinstated.
- 7.3. Verification of successful completion of twenty (20) Continuing Education Contact Hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of VICTOR CHINEDUM CHUKWUOCHA, Vocational Nurse License Number 139266, and Registered Nurse License Number 603879, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to VICTOR CHINEDUM CHUKWUOCHA, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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. PETITIONER 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 PETITIONER'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) PETITIONER SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. PETITIONER 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. PETITIONER SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify PETITIONER'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>.

(4) PETITIONER SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address:*

<http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-

FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) 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 PROBATION PERIOD:

(5) PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license. PETITIONER 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.

(6) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

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

(8) For the remainder of the stipulation period, PETITIONER 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 PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL

work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. 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 three (3) 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 PETITIONER's license to practice professional nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agreed to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 4th day of AUGUST, 2010

[Signature]
VICTOR CHINEDUM CHUKWUOCHA, Petitioner

Sworn to and subscribed before me this 4th day of AUGUST, 2010

[Signature]
Notary Public in and for the State of TEXAS
Approved as to form and substance



[Signature]
OSCAR SAN MIGUEL, Attorney for Petitioner

Signed this 9th day of August, 2010

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 4th day of August, 2010, by VICTOR CHINEDUM CHUKWUOCHA, Vocational Nurse License Number 139266, and Registered Nurse License Number 603879, and said Order is final.

Effective this 14th day of September, 2010.



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



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 603879 and Vocational	§	
Nurse License Number 139266 issued	§	
to VICTOR CHINEDUM CHUKWUOCHA	§	ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 603879 and Vocational Nurse License Number 139266, issued to VICTOR CHINEDUM CHUKWUOCHA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, 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. Respondent's license to practice vocational nursing in the State of Texas is currently in inactive status.
4. Respondent received a Certificate in Vocational Nursing from San Jacinto College North, Houston, Texas on April 30, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992. Respondent received an Associate Degree in Nursing from Regents College, Albany, New York, on January 14, 1994. Respondent was

licensed to practice professional nursing in the State of Texas on June 6, 1994. Respondent received a Baccalaureate Degree in Nursing from Prairie View A&M University, Prairie View, Texas, on July 29, 2000.

5. Respondent's professional and vocational nursing employment history includes:

October 1992 to November 1993	LVN Intracare Medical Pavilion Hospital Houston, Texas
October 1993 to December 1994	LVN Ben Taub General Hospital Houston, Texas
August 1994 to December 1996	Agency RN Quality Health Services Houston, Texas
December 1994 to August 1996	Agency RN Flex Medical Service Houston, Texas
February 1995 to Present	RN UTMB - TDCJ Managed Care Richmond, Texas
August 1999 to November 2001	RN Memorial Hermann Hospital Southwest Houston, Texas
October 2001 to Present	Nurse Case Manager St. Jean Home Health Houston, Texas

6. On or about March 8, 2007, Respondent plead "Guilty" to the offense, "Aggregate Theft- \$1500 ≤ \$20,000 by a Governmental Contractor," (a Third Degree Felony committed on August 24, 2002 through January 27, 2004), in the 228th District Court of Harris County, Houston, Texas, Cause Number 1089877. An adjudication of guilt was deferred, and Respondent was placed on community supervision for a period of three (3) years, required to immediately pay restitution in the amount of eighteen thousand, two hundred fourteen dollars (\$18,214.00), assessed a fine in the amount of three hundred dollars (\$300.00), and required to perform one hundred twenty (120) hours of community service.

7. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his licenses to practice professional and vocational nursing in the State of Texas.

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 violation of Sections 301.452(b)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 603897 and Vocational Nurse License Number 139266, heretofore issued to VICTOR CHINEDUM CHUKWUOCHA, including revocation of Respondent's licenses to practice professional and/or vocational nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 603879 and Vocational Nurse License Number 139266, heretofore issued to VICTOR CHINEDUM CHUKWUOCHA, to practice professional and vocational nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized licenses, heretofore issued to VICTOR CHINEDUM CHUKWUOCHA, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional and/or vocational nursing, use the title "registered nurse" or "licensed vocational nurse" or the abbreviations "RN" or "LVN" or wear any insignia identifying himself as a registered nurse or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse or vocational nurse during the period in which the licenses are surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privileges, if any, to practice professional and/or vocational nursing in the State of Texas.

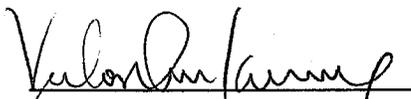
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

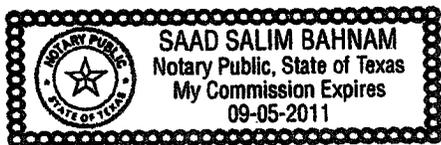
Signed this 20 day of November, 2007.

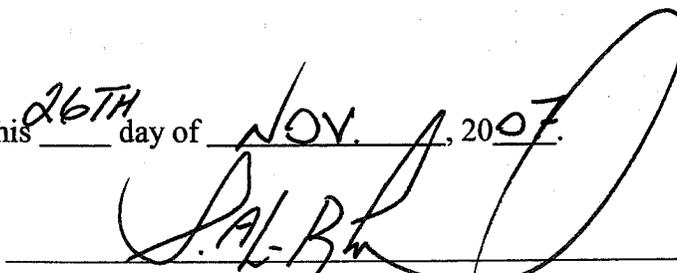


VICTOR CHINEDUM CHUKWUOCHA, Respondent

Sworn to and subscribed before me this 26TH day of NOV., 2007.

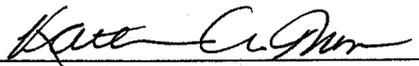
SEAL




Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 603879 and Vocational Nurse License Number 139266, previously issued to VICTOR CHINEDUM CHUKWUOCHA.

Effective this 30th day of November, 2007.



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

