

BEFORE THE TEXAS BOARD OF NURSING



In the Matter of Registered Nurse § AGREED
License Number 586412 §
issued to AIROBOMAN CHRISTINE OMOEGBELE § ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of AIROBOMAN CHRISTINE OMOEGBELE, Registered Nurse License Number 586412, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10) & (13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on October 16, 2008, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 informal conference, 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 State School of Nursing, Benin City, Nigeria, on April 4, 1988. Respondent was licensed to practice professional nursing in the State of Texas on October 29, 1992.
5. Respondent's professional nursing employment history includes:

4/98 - 9/92 Unknown

Respondent's professional nursing employment history continued:

10/92 - 12/92	Staff Nurse	Ben Taub Hospital Houston, Texas
1993 - 1999	Staff Nurse	Bellaire Hospital Houston, Texas
2000 - 2/04	Staff Nurse	Select Specialty Hospital Houston, Texas
3/04 - 9/06	Part Owner	Lifetime Healthcare, Inc. Missouri City, Texas
10/06 - present	Unknown	

- At the time of the initial incident, Respondent was employed as part owner and Quality Assurance/Performance Director with Lifetime Healthcare, Inc., Missouri City, Texas, and had been in this position for two (2) years and six (6) months.
- That while employed as part owner and Quality Assurance/Performance Director with Lifetime Healthcare, Inc., Missouri City, Texas, Respondent submitted ninety-five (95) inaccurate nurses notes for home health visits of patients assigned to her care, as follows:

Month/Year	Type of Home Health Care Visit	Number of Patients with Inaccurate Documentation	Number of Discrepancies in Arrival & Departure Times
Aug. 2005	Skilled Nursing	2	2
Sep. 2005	Skilled Nursing	20	20
Oct. 2005	Skilled Nursing / 1 Recertification Assessment	36	36
Nov. 2005	Skilled Nursing	19	19
Dec. 2005	Skilled Nursing	6	6
Jan. 2006	Skilled Nursing	10	10
Mar. 2006	Skilled Nursing	2	2
Totals			
Aug. 2005 to Mar. 2006		95	95

Respondent's conduct was deceiving to subsequent caregivers who would rely on her documentation to provide on-going medical care.

8. Respondent states that she pursued litigation against Lifetime Healthcare, Inc. and its principals, both of whom are Registered Nurses licensed with the Board. Respondent sued these parties for breach of contract, breach of fiduciary duty, conspiracy, tortious interference and fraud. After roughly six (6) months of litigation and discovery, it appeared that the owners diverted roughly \$100,000 of Lifetime's funds and claimed there were no profits available to distribute to Respondent pursuant to the their partnership agreement. Respondent states she was unaware of any of the allegations which are now being made against her until such time she asked for an accounting of Lifetime's funds and assets. It was after the partners were forced to turn over the documentation regarding diversion of corporate funds that the allegations against Respondent were made by the parties she was suing. Lifetime Healthcare, Inc. had been surveyed in April of 2005 and no major deficiencies were cited.

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 Section 301.452(b)(10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11 (1)(D) and 22 TEX. ADMIN. CODE §217.12(6)(H).
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 586412, heretofore issued to AIROBOMAN CHRISTINE OMOEGBELE, including revocation of Respondent's license to practice professional nursing in the State of Texas.
5. Section 301.463(d) of the Act provides that this Agreed Order is a Settlement agreement under Rule 408 of the Texas Rules of Evidence for purposes of civil or criminal litigation.

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 multistate licensure privilege, if any, to practice professional nursing in compact states.

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 multistate licensure 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 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) contact 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, 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>.

(3) RESPONDENT 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, RESPONDENT 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://www.learningext.com/products/generalce/critical/ctabout.asp>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of thirty-nine hundred dollars (\$3900.00). RESPONDENT SHALL pay this fine within four hundred fifty days (450) 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, SHOULD RESPONDENT PRACTICE AS A REGISTERED 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:

(5) 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.

(6) 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.

(7) For the duration 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, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

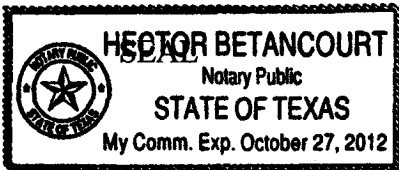
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order 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 26 day of June, 2009.

A. Omoegbele

AIROBOMAN CHRISTINE OMOEGBELE, Respondent

Sworn to and subscribed before me this 26 day of June, 2009.



Hector Betancourt

Notary Public in and for the State of Texas


Approved as to form and substance.

Kenda B. Dalrymple
Kenda B. Dalrymple, Attorney for Respondent

Signed this 29th day of June, 2009.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of June, 2009, by AIROBOMAN CHRISTINE OMOEGBELE, Registered Nurse License Number 586412, and said Order is final.

Effective this 18th day of August, 2009.


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

