



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse           §       AGREED  
License Number 615951                       §  
issued to PHOEBE ELINMA MUOTOH       §       ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PHOEBE ELINMA MUOTOH, Registered Nurse License Number 615951, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 28, 2008, 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.
2. Respondent waived representation by counsel, 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 an Associate Degree in Nursing from Institute of Health, Zaria, Nigeria, in December 1978. Respondent was licensed to practice professional nursing in the State of Georgia on May 31, 1994, was licensed to practice professional nursing in the State of Illinois on August 22, 1994, and was licensed to practice professional nursing in the State of Texas on May 23, 1995.
5. Respondent's nursing employment history includes:

05/1994 - 1995	Unknown	
1996 - 2005	Charge Nurse Assistant Director of Nursing	Heritage Park Nursing Home Austin, Texas

Respondent's nursing employment history continued:

1998 - 1999	Charge Nurse	Brackenridge Hospital Austin, Texas
1999 - 2000	Charge Nurse	South Austin Hospital Austin, Texas
1998 - 1/2006	Staff Relief Nurse	CareStaff Austin, Texas
01/2006 - Unknown	Charge Nurse	Heartland Healthcare Center Austin, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse with Heartland Healthcare Center, Austin, Texas, and had been in this position for one (1) month.
7. On or about February 26, 2006, while employed as a Charge Nurse with Heartland Healthcare Center, Austin, Texas, Respondent failed to assess and document the status of Resident LI, her assigned resident, after the resident had fallen out of bed. The Certified Nurse Aide (CNA) discovered the resident on the floor, and instead of notifying Respondent that the resident had fallen, she notified the Charge Nurse from another hall, and Respondent observed the CNA and Charge Nurse responding to the situation. Respondent did not assess the patient at the time of the fall, did not reassess the resident later, and she did not document in the medical record of the resident for that date. Additionally, she did not notify the physician and the resident's family of the resident's fall. Respondent's conduct resulted in an incomplete medical record and may have unnecessarily exposed the resident to the risk of harm from clinical complications.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that during her shift she observed the Charge Nurse and the CNA run into the room of Resident LI and shut the door, so Respondent ran quickly to the room and saw the resident sitting on the floor with the Charge Nurse and the CNA beside her. According to Respondent, when she asked the CNA what happened she was ignored by both staff. Respondent states that she quickly put on gloves to assist with the resident, but the Charge Nurse told Respondent she should not be in the room and told her to leave, to which Respondent said, "She is my resident" and told the Charge Nurse that she needed to assess the resident, write an incident report, and notify the physician and resident's family. Respondent states that the Charge Nurse told her that she should not touch the resident, that the Charge Nurse was "going to do it all." Respondent states that she was not aware that the Charge Nurse had not completed the paperwork before leaving the shift.

### 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, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(D), (1)(P)&(2)(A) and 217.12(1)(A),(1)(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 615951, heretofore issued to PHOEBE ELINMA MUOTOH, 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 REMEDIAL EDUCATION, 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 Professional 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 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 multistate licensure 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 deliver the wallet-sized license issued to PHOEBE ELINMA MUOTOH to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) 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 Chemical Dependency, 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website <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 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

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, 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 nursing in the State of Texas.

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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>.*

(4) 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

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 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 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

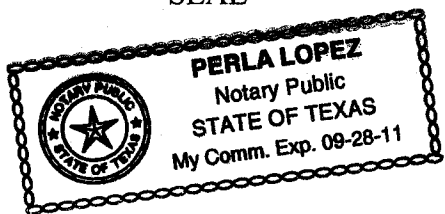
Signed this 20<sup>th</sup> day of August, 2008

Phoebe Elinma Muotoh

PHOEBE ELINMA MUOTOH, Respondent

Sworn to and subscribed before me this 20 day of August, 2008.

SEAL



Perla Lopez

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 ratify and adopt the Agreed Order that was signed on the 20th day of August, 2008, by PHOEBE ELINMA MUOTOH, Registered Nurse License Number 615951, and said Order is final.

Effective this 2nd day of September, 2008.



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