



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

In the Matter of Vocational Nurse § AGREED
License Number 184477, issued to §
FLORENCE ENWERIM ONYEGBU § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of FLORENCE ENWERIM ONYEGBU, Vocational Nurse License 184477, 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on August 9, 2010, 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(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 in Vocational Nursing from North Texas Professional Career Institute, Dallas, Texas, on October 26, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on May 22, 2002.
5. Respondent's vocational nursing employment history includes:

2002 - 2003	LVN	Skyview Living Center Denton, Texas
2004 - 2005	LVN	Northgate Plaza Irving, Texas

Respondent's vocational nursing employment history continued:

2005 - Present Administrator/LVN DePromise Home Health Services, Inc.
Dallas, Texas

6. At the time of the incidents in Findings of Fact Number Seven (7) through Nine (9), Respondent was employed as Administrator/LVN with DePromise Home Health Services, Inc., Dallas, Texas, and had been in this position for approximately three (3) years.
7. On or about August 6, 2008 through September 24, 2008, while employed as the Administrator/LVN with DePromise Home Health Service, Inc., Dallas, Texas, Respondent failed to accurately document changes to one hundred twenty-two (122) Skilled Nurse Visit Notes in that she failed to document the note as a late entry, sign, date, and/or identify which changes were made. The unsigned notes which reflected the date of the original visit were found in Respondent's office during a survey visit. Respondent's conduct resulted in an incomplete/inaccurate medical record and was likely to deceive subsequent care givers who relied on the information while providing care to the patient.
8. On or about September 2008, while employed as the Administrator/LVN with DePromise Home Health Service, Inc., Dallas, Texas, Respondent submitted fourteen (14) Skilled Nurse Visit notes for three (3) patients assigned to her care which had false entries, in that Respondent documented that she performed the visits on the same date and time for different patients, as follows:

Date & Time of Visit	Patient No.	Skilled Nurse Visit Notes
8/6/08 @ 1700 to 1750 8/6/08 @ 1730 to 1830	Patient No. 4 Patient No. 1	Overlapping times for visits
8/9/08 @ 1700 to 1800 8/9/08 @ 1700 to 1750	Patient No. 1 Patient No. 4	Overlapping times for visits
8/10/08 @ 1715 to 1815 8/10/08 @ 1700 to 1750	Patient No. 1 Patient No. 4	Overlapping times for visits
8/12/08 @ 1715 to 1815 8/12/08 @ 1700 to 1800	Patient No. 1 Patient No. 4	Overlapping times for visits
8/14/08 @ 1700 to 1750 8/14/08 @ 1700 to 1800	Patient No. 1 Patient No. 6	Overlapping times for visits
8/18/08 @ 1700 to 1750 8/18/08 @ 1730 to 1830	Patient No. 4 Patient No. 1	Overlapping times for visits
8/23/08 @ 1700 to 1800 8/23/08 @ 1700 to 1750	Patient No. 6 Patient No. 1	Overlapping times for visits

Respondent's conduct resulted in an inaccurate medical record and was likely to deceive subsequent care givers who relied on the accuracy of the information while providing care to the patient and while submitting bills for payment of visits.

9. On or about September 26, 2008, while employed as the Administrator/LVN with DePromise Home Health Service, Inc., Dallas, Texas, Respondent failed to accurately document changes to forty-seven (47) Skilled Nurse Visit notes in that she failed to document the note as a late entry, date, and/or identify which changes were made, Respondent signed the notes that reflected the date of the original visit. Respondent's conduct resulted in an incomplete/inaccurate medical record and was likely to deceive subsequent care givers who relied on the information while providing care to the patient.
10. In response to Finding of Fact Number Seven (7), Respondent states that when she has several notes to print out, as she did in this case, she prints them all out first and then signs them. When she spoke to the Surveyor about the notes, she had printed all the notes out, but some of the notes were her initial notes, which would not need to be corrected. Her initial notes would not be deemed in need of correction until Quality Assurance (QA) nurse reviewed them. All of the notes were going to QA after she signed them.

In response to Finding of Fact Number Eight (8), Respondent states that at DePromise the nurse notes are on a computer template. When a note is saved the template does not erase. You have to delete some information or change the information as needed for the new note. Sometimes, carryover information remains on the new note as an oversight. For this particular date, she failed to change the dates on the notes as an oversight. Therefore all the notes that she entered that day have the same date and time of day on them, even though she did not see all the clients at the same time of the day. This was an oversight on her part. She forgot to completely go through the form each time and left the time line the same for all the patients' notes on that day.

In response to Finding of Fact Number Nine (9), Respondent states that the Surveyor pulled some charts to review. She found other notes that did not include any markings. The surveyor said that these notes did not have the correct notations on them. I had completed these notes as usual, making strike outs and making changes on the computer as needed. Because I am in the office often, I get the QA notations back on the same day as the note was made. Therefore, the date on the note will not need to be changed.

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)(D) and 217.12(1)(A), (1)(C)&(4).

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 184477, heretofore issued to FLORENCE ENWERIM ONYEGBU, including revocation of Respondent's license(s) to practice 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 sanctions of a WARNING WITH STIPULATIONS 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 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 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) 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://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of Five Hundred Dollars (\$500). 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, 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 ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED.

PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) 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 or a Licensed Vocational 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 or Licensed Vocational 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 one (1) year 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(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

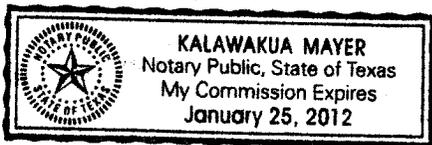
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3^d day of JAN., 20 11.

F. Onyegbu
FLORENCE ENWERIN ONYEGBU, Respondent

Sworn to and subscribed before me this 3^d day of JANUARY, 20 11.

SEAL



Kalawakua Mayer
Notary Public in and for the State of TEXAS

Approved as to form and substance.

[Signature]
Lurese A. Terrell, Attorney for Respondent

Signed this 3 day of January, 20 11.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of January, 2011, by FLORENCE ENWERIM ONYEGBU, Vocational Nurse License Number 184477, and said Order is final.

Effective this 8th day of February, 2011.



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