

4. Respondent received a Diploma in Nursing from the Lagos University Teaching Hospital, Lagos, Nigeria, in November 1983, and received a Baccalaureate Degree in Nursing from Texas Woman's University, Houston, Texas, in 2007. Respondent was licensed to practice practical nursing in the State of Florida on December 15, 1986, was licensed to practice professional nursing in the State of Florida on April 16, 1990, and was licensed to practice professional nursing in the State of Texas on January 4, 1991.

5. Respondent's nursing employment history includes:

| | | |
|-------------------|---|---|
| 12/1986 - 10/1987 | Unknown | |
| 11/1987 - 12/1990 | Staff Nurse, LPN & RN | Health South Rehab Center Miami, Florida |
| 1/1991 - 3/1993 | Staff Nurse, RN | Twelve Oaks Hospital Houston, Texas |
| 6/1992 - 11/1994 | Staff Nurse, RN | Methodist Hospital Houston, Texas |
| 11/1993 - 10/1994 | Staff Nurse, RN | Memorial Hospital Houston, Texas |
| 12/1993 - 11/1995 | Relief Nurse, RN | Allied Health Services Houston, Texas |
| 3/1995 - 11/1995 | Staff Nurse, RN | Medical Innovation Houston, Texas |
| 6/1995 - 11/1995 | Staff Nurse, RN | AHN Health Systems Houston, Texas |
| 03/1995 - 7/2009 | RN Administrator | Coastal Medical Services Houston, Texas |
| 7/2009 - Present | Alternate Administrator/ Director of Nursing | Coastal Medical Services Houston, Texas |

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as the RN Administrator of Coastal Medical Services, Houston, Texas, and had been in this position for six (6) years.

7. On or about January 6, 2006, while employed as the RN Administrator of Coastal Medical Services, Houston, Texas, the Texas Department of Aging and Disability Services (TDADS) cited the facility for failing to ensure that Supervisor RT had training on tasks of gastrostomy

tube feedings and medication administration that were necessary for her to competently supervise Attendant NC. Attendant NC was caring for Client AW who had a gastrostomy tube and was dependent for all care. On May 14, 2003, and on October 4, 2003, Supervisor RT completed Supervisory Visits of Attendant NC, who was the care giver of Client AW, and on January 29, 2004, Client AW died due to complications of multiple decubitus ulcers, dehydration and malnutrition; however, no direct correlation between the client's death and Respondent's care was found. Respondent's conduct was likely to injure clients from complications due to administration of gastrostomy tube feedings and medications by incorrect technique, without appropriate supervision, including possible peritonitis and/or demise.

8. On or about January 6, 2006, while employed as the RN Administrator of Coastal Medical Services, Houston, Texas, TDADS also cited the facility for failing to ensure that RNs were supervising unlicensed attendants for tasks involving gastrostomy tubes. TDADS determined that Clients AW, EJ, and VG were or had been receiving feedings and medications through gastrostomy tubes and that unlicensed attendants were performing the tasks without RN delegation and supervision, as required. RN supervisory visits did not address any care or the clients' healthcare conditions related to the tasks and TDADS issued an immediate jeopardy. The immediate jeopardy was cleared after Respondent supplied an action plan indicating that the agency had appointed a RN to train, evaluate and monitor the attendants providing gastrostomy tube care, feedings, and administration of medications. Respondent's conduct was likely to injure clients from complications due to administration of gastrostomy tube feedings and medications by incorrect technique, without appropriate supervision, including possible peritonitis and/or demise.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states unlicensed personnel were not assigned tube feedings and medication administration by agency staff of the Community Based Alternative (CBA) or Personal Assistance Services (PAS) programs. CBA and PAS clients receive custodial services of a few hours a week and gastrostomy tube feedings are not part of those services. Respondent states that any gastrostomy tube feedings or medication administration were performed by family members outside of their employment with Coastal Medical Services. Respondent contends that proper supervision occurred but in order to ensure no further issues all personnel were and continue to be trained in gastrostomy tube feedings.
10. On or about August 18, 2010, Respondent successfully completed a Board approved class in Texas nursing jurisprudence and ethics, which would have been a requirement of this Order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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),(10)&(11)[*effective through 9/27/2004*], 217.11(1)(A),(1)(B),(1)(S),(1)(U)&(3)(B)[*effective 9/28/2004*], 217.12(1),(5),(9),(10)&(11)[*effective through 9/27/2004*], and 217.12(1)(A),(1)(B),(1)(D), (1)(F),(2)&(4)[*effective 9/28/2004*].
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 566417, heretofore issued to IMEH SAMUEL OKPON-JACK, 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 sanction 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 the course "Pre-Survey Conference Computer-Based Training" for Home and Community Support Services Agencies, a six (6) module program which provides a general overview of state

and federal licensure rules regarding home health care and which is presented by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the Pre-Survey Conference Attendance Verification form to the Board's office. 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 website: <http://www.dads.state.tx.us/providers/hessa/cbt/>.*

(2) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). 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 A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE 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 A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(3) 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.

(4) 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.

(5) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office. Additionally, RESPONDENT SHALL also immediately submit, to the attention of Monitoring at the Board's office, any and all TDADS Statements of Licensing Violations for deficiencies cited against or involving Coastal Medical Services, Inc., Houston, Texas, along with the facilities Plan of Correction, if any.

(6) 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 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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

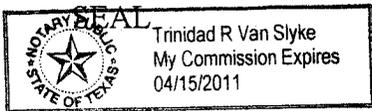
RESPONDENT'S CERTIFICATION

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 8 day of December, 2010.

Imeh Samuel Okpon-Jack
IMEH SAMUEL OKPON-JACK, Respondent

Sworn to and subscribed before me this 8 day of December, 2010.



Trinidad R Van Slyke
Notary Public in and for the State of TEXAS

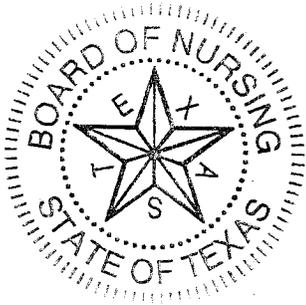
Approved as to form and substance.

Taralynn R. Mackay
Taralynn Mackay, Attorney for Respondent

Signed this 13th 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 8th day of December, 2010, by IMEH SAMUEL OKPON-JACK, Registered Nurse License Number 566417, and said Order is final.

Effective this 27th day of January, 2011.



A handwritten signature in black ink, which appears to read 'Katherine A. Thomas', is written over a horizontal line.

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