

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2010-15436

License No.: RN 9168056

UVO OLOGBORIDE,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on June 2, 2011, in Jacksonville, Florida, for the purpose of considering a settlement agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the settlement agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the settlement agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference. The costs are \$2,411.09. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the settlement agreement.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 20th day of June, 2011.

BOARD OF NURSING



JOE R. BAKER, JR.
Executive Director for
Jessie Colin, RN, PhD
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to UVO OLOGBORIDE, 4216 Inverrary Blvd., 93A, Lauderhill, FL 33319; and by interoffice delivery to and by interoffice delivery to Lee Ann Gustafson, Senior Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, Jodi-Ann Johnson, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265 this 21st day of June, 2011.



Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

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v.

Case No. 2010-15436

UVO OLOGBORIDE, R.N.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Uvo Ologboride, R.N., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.
2. At all times material to this Complaint, Respondent was a registered nurse (R.N.) within the state of Florida, having been issued license number RN 9168056.

3. Respondent's address of record is 4216 Inverrary Blvd 93a, Lauderhill, Florida 33319.

4. At all times material to this Complaint, Respondent was working as an R.N. at North Shore Medical Hospital (NSMC), located in Miami, Florida.

5. At all times material to this Complaint, Patient R.S., a seventy-nine (79) month old male was a patient at NSMC with the vascular disease, heart disease, end stage renal disease, and diabetes.

6. At all times material to this Complaint, Patient R.S. had physician's orders for Famotidine 20 milligrams (mg) intravenous (IV) twice dally.

7. Famotidine is in a group of drugs called histamine-2 blockers. It works by decreasing the amount of acid the stomach produces. Famotidine is used to treat and prevent ulcers in the stomach and intestines. It also treats conditions in which the stomach produces too much acid, such as Zollinger-Ellison syndrome. Famotidine also treats gastroesophageal reflux disease (GERD) and other conditions in which acid backs up from the stomach into the esophagus, causing heartburn.

8. To administer physician ordered medications correctly and

without incident, Respondent would have to administer the medication using the five rights of medication administration:

- a. Right patient;
- b. Right route;
- c. Right dose;
- d. Right time;
- e. Right medication.

9. On or about July 30, 2010, Respondent was assigned to provide care to Patient R.S.

10. On or about July 30, 2010, Respondent administered Pancuronium 20 mg IV to Patient R.S.

11. Pancuronium bromide is a nondepolarizing neuromuscular blocking agent possessing all of the characteristic pharmacological actions of this class of drugs (curariform). It acts as a paralytic, stopping the recipient's breathing and other bodily functions. This paralyzing effect must be managed by manual or mechanical ventilation and other life supportive efforts until recovery is judged adequate.

12. Patient R.S. did not have physician's orders for Pancuronium.

13. Respondent failed to verify the correct medication prior to

administering the Pancuronium to Patient R.S. on or about July 30, 2010.

14. Section 464.018(1)(n), Florida Statutes (2010), provides that failing to meet or departing from minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience, constitutes grounds for disciplinary action by the Board of Nursing.

15. Respondent failed to meet minimal standards of acceptable and prevailing nursing practice by administering the wrong medication of Pancuronium to Patient R.S. on or about July 30, 2010.

16. Based on the foregoing, Respondent violated Section 464.018(1)(n), Florida Statutes (2010), by failing to meet the minimum standards of acceptable and prevailing nursing practice.


WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 14th day of December, 2010.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK *Angela Barton*
DATE 12/15/2010


R. Kathleen Brown-Blake
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida bar Number 0061420
(850) 245 - 4640 Telephone
(850) 245 - 4683 Facsimile

PCP: December 14, 2010
PCP Members: Kirkpatrick and Mobley
/KBB

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

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DEPARTMENT OF HEALTH

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CASE NO.: 2010-15436

UVO OLOGBORIDE, R.N.,

Respondent.

SETTLEMENT AGREEMENT

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Agreement to the Board of Nursing as disposition of the Administrative Complaint, attached hereto as Exhibit "A", in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Agreement is issued by the Board and filed. In considering this Agreement, the Board may review all Investigative materials regarding this case. If this Agreement is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. Respondent is a **REGISTERED NURSE** in the State of Florida holding license number **RN 9168056**.
2. The Respondent is charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapters 456

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and/or 464, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

3. Respondent neither admits nor denies the factual allegations contained in the Administrative Complaint.

STIPULATED LAW

1. Respondent admits that he/she is subject to the provisions of Chapters 456 and 464, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of laws as alleged in the Administrative Complaint.

3. Respondent admits that the Agreement is a fair, appropriate and reasonable resolution to this pending matter.

PROPOSED DISPOSITION

1. The Board of Nursing shall reprimand the license of the Respondent.

2. The Respondent must pay an administrative fine in the amount of **seven hundred, fifty dollars (\$750.00)** and investigative costs not to exceed **two thousand eight hundred eight-six dollars and seventy-three cents (\$2,885.73)** within four (4) years from the date of entry of the Final Order. However, if the Respondent is in the Intervention Project for Nurses (IPN), the payment is due **prior** to completion of IPN. If the Respondent's license is suspended by the terms of this agreement, the payment is due **prior** to the application for reinstatement of the license. If the Respondent is placed on probation, the payment is due **prior** to the completion of the probationary period. The Respondent has the responsibility to

document financial hardship **prior** to the due date of the payment. Payment must be by money order. Partial payments shall be accepted. Payment shall be made to the Board of Nursing and mailed to, DOH-Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Nursing Compliance Officer.

3. The Respondent shall enroll in and successfully complete courses in **Medication Administration (16 hours), Medication Error Prevention, and Documentation**. This shall be in addition to other normally required continuing education courses. Verification of course content and course completion must be submitted to the Nursing Compliance Officer within six (6) months from the date of this Order. The Board will retain jurisdiction for the purpose of enforcing continuing education requirements.

4. The Respondent shall not violate Chapter 456 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing. Violation of an order from another state/jurisdiction shall constitute grounds for violation of the Board Order adopting this Agreement.

5. It is expressly understood that this Agreement is subject to the approval of the Board and Department and has no force and effect until an Order is entered adopting the Agreement.

6. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action by the Board of Nursing regarding the acts or omissions specifically set forth in the Administrative Complaint attached hereto. In this

regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to, and consideration of, this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings. Respondent shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law.

7. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached hereto. This Agreement relates solely to the current disciplinary proceedings arising from the above-mentioned Administrative Complaint and does not preclude further action by other divisions, departments, and/or sections of the Department, including but not limited to the Agency for Health Care Administration's Medicaid Program Integrity Office.

8. The Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

9. Respondent waives all rights to appeal and further review of this Agreement and these proceedings.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

SIGNED this 11 day of Jan., 2011.


UVO OLOGBORIDE, R.N.

Before me personally appeared Uvo Ologboride whose identity is known to be by driver's license (type of identification), and who under oath, acknowledges that his/her signature appears above. Sworn to and subscribed by Respondent before me this 11th day of January, 2011.


Notary Public
My Commission Expires:



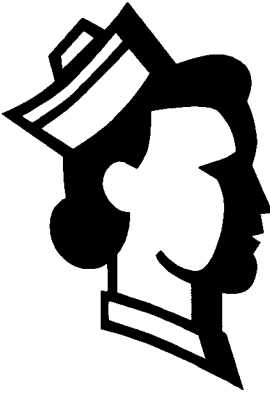
APPROVED this 21st day of March, 2011.

State Surgeon General



Counsel for Petitioner:
R. Kathleen Brown-Blake
Assistant General Counsel
FBN: 0061420 0042155
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, BIN #C-65
Tallahassee, Florida 32399-3265

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TO: Cassandra G. Pasley, BSN, JD, Chief
Bureau of Health Care Practitioner Regulation

FROM: Joe Baker, Jr., Executive Director
Florida Board of Nursing

DATE: June 10, 2011

RE: Delegation of Authority

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During my absence on Monday, June 13, 2011, through Wednesday, June 22, 2011, the following managers are delegated authority for the board office:

June 13-14	Robert Johnson	Program Ops Administrator
June 15-16	William Spooner	Program Ops Administrator
June 17-20	Mr. Johnson	
June 21-22	Mr. Spooner	

I will be on leave and then attending the NCSBN Executive Officer Leadership Summit.

Thank you.

JBjr/ms