



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 § AGREED
Vocational Nurse License Number 221513 §
issued to TWYLA DANIELLE BARNETT § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as t considered the matter of TWYLA DANIELLE BARNETT, Vocational Nurse License Number 221513, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(9)&(10) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 2, 2014.

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 representation by counsel, 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 Nursing from Concord Career Institute-Extended Health, Arlington, Texas, on March 31, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on April 21, 2009.
5. Respondent's vocational nursing employment history includes:

05/09 - 04/10 LVN Parkland Hospital and Health System
Dallas, Texas

Respondent's vocational nursing employment history continued:

05/10 - 05/10	Unknown	
06/10 - 12/11	LVN	Kindred Hospital Dallas, Texas
01/12 - 03/12	Unknown	
04/12 - 02/13	LVN	Oakwood Nursing and Rehab Center Arlington, Texas
04/12 - 02/13	LVN	Mansfield Nursing and Rehabilitation, LP Mansfield, Texas
01/13 - 04/13	LVN	North Texas Kidney Disease Associates Denton, Texas
05/13 - 05/13	Unknown	
06/13 - 01/14	LVN	Davita Dialysis Dallas, Texas
02/14 - Present	Unknown	

6. On or about February 15, 2011, while seeking employment with Dallas County Treatment Center, Dallas, Texas, Respondent engaged in the intemperate and/or unlawful use of Cocaine in that she submitted a specimen for a pre-employment drug screen that resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Cocaine by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
7. On or about April 15, 2013, while participating in the Texas Peer Assistance Program for Nurses' (TPAPN) Extended Evaluation Program (EEP), Respondent engaged in the intemperate use of Cocaine in that she submitted a specimen that resulted positive for Cocaine. As a result of her positive screen for Cocaine, Respondent's EEP case was closed and converted to a TPAPN participation agreement on April 25, 2013. Possession of Cocaine is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Cocaine by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and

appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. On or about November 6, 2013, while participating in the Texas Peer Assistance Program for Nurses' (TPAPN), Respondent engaged in the intemperate use of Alcohol in that she submitted a specimen that resulted positive for Ethyl Glucuronide (ETG) and Ethyl Sulfate (ETS), metabolites of alcohol. As a result of her positive drug screen for alcohol, Respondent restarted her TPAPN participation on December 12, 2013. The use of Alcohol by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about January 17, 2014, while participating in the Texas Peer Assistance Program for Nurses' (TPAPN), Respondent engaged in the intemperate use of Cocaine in that she submitted a specimen that resulted positive for Cocaine. Subsequently, Respondent's TPAPN case was closed and referred to the Board on January 27, 2014. Possession of Cocaine is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Cocaine by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
10. Respondent's last known date of sobriety is January 17, 2014, as indicated in Finding of Fact Number Nine (9).
11. In response to Findings of Fact Numbers Six (6) and Seven (7), Respondent states that she does not recall the circumstances surrounding those drugs tests. In reference to the drug screen of November 6, 2013, Respondent states that she had wine while out with friends after discovery of a life altering situation. In reference to the drug screen of January 17, 2014, Respondent states that she asked a friend for a cigarette, which, unbeknownst to her, was laced with Cocaine. Respondent states she takes full responsibility for her mistakes, and is fully regretful for these situations, which have taken a toll on her career.
12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
14. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.

15. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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(s) of 22 TEX. ADMIN. CODE §217.12(4),(5),(10)(A),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 221513, heretofore issued to TWYLA DANIELLE BARNETT, up to, and including, revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 221513, previously issued to TWYLA DANIELLE BARNETT, to practice nursing in Texas is/are hereby SUSPENDED and said suspension is ENFORCED until Respondent complies with Stipulation Numbers One (1) and Two (2):

(1) RESPONDENT SHALL apply to and be accepted into the TPAPN and complete the enrollment process, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

IT IS FURTHER AGREED, upon verification of compliance with Stipulation Numbers One (1) and Two (2), the SUSPENSION will be stayed, and RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the TPAPN:

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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 may 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Stipulation Numbers One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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.

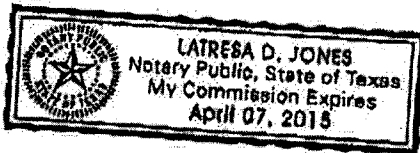
Signed this 1st day of October, 2014.

[Signature]
TWYLA DANIELLE BARNETT, Respondent

Sworn to and subscribed before me this 1st day of October, 2014.


SEAL

[Signature]
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 accept and enter the Agreed Order that was signed on the 1st day of October, 2014, by TWYLA DANIELLE BARNETT, Vocational Nurse License Number 221513, and said Order is final.

Effective this 1st day of October, 2014.



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