### **DOCKET NUMBER 507-14-4133**



IN THE MATTER OF § PERMANENT ADVANCED PRACTICE § **REGISTERED NURSE** 500000 LICENSE NUMBER AP121826 AND REGISTERED NURSE LICENSE NUMBER 817540, **ISSUED TO** JENNIFER PAIGE DOYAL §

**BEFORE THE STATE OFFICE** 

OF

### **ADMINISTRATIVE HEARINGS**

# **OPINION AND ORDER OF THE BOARD**

TO:	JENNIFER PAIGE DOYAL 2175 STOCKWELL RD. #216 BOSSIER CITY, LA 71111
	RENEE M. RUSCH ADMINISTRATIVE LAW JUDGE 300 WEST 15TH STREET
	ALISTIN TEXAS 78701

At the regularly scheduled public meeting on October 23-24, 2014, the Texas Board of Nursing (Board) considered the following items: (1) Order Number 1, Announcing Default and Order Number 2, Order of Dismissal, issued by the ALJ in the above cited matter; (2) Staff's recommendation that the Board revoke the Respondent's advanced practice and registered nursing licenses by default; and (3) Respondent's recommendation to the Board regarding the above cited matter, if any.

On July 9, 2014, the ALJ convened a hearing on the merits in this matter. Staff of the Board was present for the hearing. However, the Respondent was not present at the hearing, and no one appeared on her behalf. During the hearing on July 9, 2014, Staff introduced evidence into the record demonstrating that Respondent had been sent a Notice of Hearing by first class certified mail return receipt requested to her last known address of record maintained by the Board in accordance with 22 Tex. Admin. Code §213.10(a). The ALJ found that Staff's notice was adequate and issued Order Nos. 1 and 2, granting Staff's Motion for Default and dismissing the case from the docket of SOAH and remanding it to the Board for informal disposition on a default basis in accordance with the Government Code §2001.056.

The Board, after review and due consideration of Order Number 1, Announcing Default and Order Number 2, Order of Dismissal, issued by the ALJ in the above cited matter, finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with the Government Code §2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Occupations Code Chapter 301 (Nursing Practice Act) for retention of Respondent's licenses to practice advanced practice and professional nursing in the State of Texas. The Board further finds that the Formal Charges were properly initiated and filed in accordance with the Occupations Code §301.458. The Board further finds that proper and timely notice

do hereby certify this to be a complete Board of Nursing or is of record in the offices of the true copy of the document which Alluma

regarding the violations alleged in the Formal Charges was given to Respondent in accordance with the requirements of the Government Code §2001.051 and §2001.052 and 1 Tex. Admin. Code §155.501. The Board further finds that the Respondent failed to appear in accordance with 22 Tex. Admin. Code Chapter 213 and 1 Tex. Admin. Code §155.501. As a result of the Respondent's failure to appear, the Board has determined that the factual allegations listed in the Formal Charges are to be deemed admitted by default and the Board is authorized to enter a default order against the Respondent pursuant to the Government Code §2001.056 and 22 Tex. Admin. Code §213.22. Further, the Board has determined that it is entitled to revoke the Respondent's advanced practice and registered nursing licenses pursuant to 22 Tex. Admin. Code §213.33(m).

Therefore, the Board hereby adopts the factual allegations, which have been deemed admitted, and the conclusions of law contained in the Formal Charges, which are attached hereto and incorporated herein by reference for all purposes, and Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing in accordance with the Government Code Chapter 2001 and 22 Tex. Admin.Code §213.23(I), as applicable. All parties have a right to judicial review of this Order. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Numbers AP121826 and RN 817540, previously issued to JENNIFER PAIGE DOYAL, to practice nursing in the State of Texas be, and the same are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.

FURTHER, pursuant to the Occupations Code §301.467, RESPONDENT is not eligible to petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for relicensure.

Entered this 23rd day of October, 2014.

TEXAS BOARD OF NURSING

KATHERINE A. THOMAS, MN, RN, FAAN EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Formal Charges

In the Matter of Permanent Advanced Practice Registered Nurse License Number AP121826 & Permanent Registered Nurse License Number 817540 Issued to JENNIFER PAIGE DOYAL, Respondent **BEFORE THE TEXAS** 

### **BOARD OF NURSING**

### FORMAL CHARGES

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This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JENNIFER PAIGE DOYAL, is an Advanced Practice Registered Nurse holding License Number AP121826, which is in current status at the time of this pleading, and is a Registered Nurse holding License Number 817540, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### CHARGE I.

On or about February 4, 2014, Respondent's Louisiana Registered Nurse license and Advanced Practice Registered Nurse license were Summarily Suspended by the Louisiana State Board of Nursing, Baton Rouge, Louisiana. On or about May 4, 2014, the summary suspension of Respondent's licenses was Continued through a Final Order issued by the Louisiana State Board of Nursing, Baton Rouge, Louisiana. A copy of the Notice of Summary Suspension of License dated February 4, 2014, and a copy of the Final Order dated May 4, 2014, are attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, <u>www.bon.texas.gov</u>.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, and for Fraud, Theft and Deception, which can be found at the Board's website, <u>www.bon.texas.gov</u>.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at <u>www.bon.texas.gov/disciplinaryaction/discp-matrix.html</u>.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Notice of Summary Suspension of License dated February 4, 2014, and Final Order dated May 4, 2014, are attached and incorporated, by reference, as part of this pleading.

Filed this 8 day of June 20 TEXAS BOARD OF NURSING James W. Johnston, General Counsel Board Certified - Administrative Law Texas Board of Legal Specialization State Bar No. 10838300 Jena Abel, Assistant General Counsel State Bar No. 24036103 John R. Griffith, Assistant General Counsel State Bar No. 24079751 Robert Kyle Hensley, Assistant General Counsel State Bar No. 50511847 John F. Legris, Assistant General Counsel State Bar No. 00785533 John Vanderford, Assistant General Counsel State Bar No. 24086670 333 Guadalupe, Tower III, Suite 460 Austin, Texas 78701 P: (512) 305-6811 F: (512) 305-8101 or (512)305-7401

Attachments: Notice of Summary Suspension of License dated February 4, 2014, and Final Order dated May 4, 2014, are attached and incorporated, by reference, as part of this pleading.

D/2014.05.23

# Louisiana State Board of Nursing

17373 Perkins Road Baton Rouge, LA 70810 Telephone: (225) 755-7500 Fax: (225) 755-7582 http://www.lsbn.state.la.us

# By Regular and Certified Mail/Return Receipt Requested

February 4, 2014

Ms. Jennifer Paige Doyal 2175 Stockwell Road #216 Bossier City, LA 71111

Dear Ms. Doyal:

It has come to the attention of the Louisiana State Board of Nursing that you have been involved with incidents which could affect patient safety, specifically:

- Between the dates of March 18, 2013 and September 1, 2013, while employed as a Family Nurse Practitioner with Northwest Louisiana Nephrology located in Shreveport, Louisiana, Respondent failed to practice nursing in accordance with the legal standards of nursing practice when Respondent misappropriated prescription forms from former physician employer, forged physician's signature and DEA number, falsified prescriptions written to herself; and obtained the prescriptions on at least 34 occasions.
- 2. On September 12, 2013, Respondent was arrested by the Shreveport Police Department and charged with Prohibited Acts, Obtaining CDS by Fraud. The case is pending.
- 3. Respondent failed to cooperate with the Louisiana State Board of Nursing investigation by not providing requested documentation and a written explanation addressing the allegations as requested by demand letter dated September 17, 2013, mailed to Respondent's address of record by certified mail, return receipt requested; return receipt was signed by Respondent and dated September 25, 2013. On October 21, 2013, an email was sent to Respondent's email address; email was refused by Respondent on October 22, 2013.

Grounds for disciplinary proceedings against a Registered Nurse are specified in La. R.S. 37:921 and authorizes the Board to probate, limit, restrict or revoke any license issued to Respondent on any of the following grounds:

- Respondent is unfit or incompetent by reason of negligence, habit, or other cause; La. R.S. 37:921(3);
- Respondent failed to practice nursing in accordance with the legal standards of nursing practice; L.A.C. 46:XLVII.3405 (a);
- Respondent failed to utilize appropriate judgment; L.A.C. 46:XLVII.3405 (c);
- Respondent has demonstrated improper use of drugs, medical supplies or equipment, patient's records, or other items; L.A.C. 46:XLVII.3405 (h);
- Respondent misappropriated items of an individual, agency, or cotity; L.A.C. 46:XLVII.3405 (i);
- Respondent falsified records; L.A.C. 46:XLVII.3405 (j);
- Respondent has violated a rule adopted by the board, an order of the board, or a state or federal law
  relating to the practice of professional nursing, or a state or federal narcotics or controlled substance law;
   L.A.C. 46:XLVII.3405 (p);
- Respondent demonstrated inappropriate, incomplete or improper documentation; L.A.C. 46:XLVII.3405 (q);
- Respondent failed to cooperate with the board by;
  - o not furnishing in writing a full and complete explanation covering a matter requested by the board; and

Page 1 of 2

## LOUISIANA STATE BOARD OF NURSH Jennifer Paige Doyal Notice of Summary Suspension of License

February 4, 2014

not providing information, documents/records reports, evidence or any other requested items within the designated time period to the board office as requested by the board/board staff.

La. R.S. 37:925 authorizes the Board to impose a fine of up to \$5,000.00 for each count or separate offense and to assess all costs of the proceedings including but not limited to the costs of investigation and disciplinary

The health, safety, and welfare of the citizens of Louisiana are threatened by this conduct. The seriousness of this conduct constitutes a threat to the safety of patients and to allow nursing practice in Louisiana to continue in light of the above would constitute a serious risk to the public's health, safety, and welfare.

Therefore, your Louisiana RN license and APRN license are summarily suspended.

Additionally, within 14 days, please submit the following to the Board office:

- A written statement that addresses the allegation(s) and provides information regarding the circumstances surrounding the incidents alleged;
- A completed employment guestionnaire (enclosed);
- A completed criminal record check-packet with fingerprints obtained (instructions and packet enclosed).

Pursuant to the Louisiana Administrative Procedures Act, R.S. 49:961.C:

If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted

The Board will consider the matter of ratification of staff action to summarily suspend your license at the next administrative hearing set for April 8, 2014. The meeting will be held at the office of the Board, 17373 Perkins Road, Baton Rouge, Louisiana. You may appear at that hearing.

In addition, the Board will file a formal complaint for further action and will schedule you to appear before the next scheduled Board meeting for an administrative hearing. That hearing is scheduled for April 8, 2014, and will be held at the office of the Board at 17373 Perkins Road, Baton Rouge, Louisiana.

Should you have any questions, or you would like the opportunity to meet with Board staff to discuss this situation, you may contact Barbara McGill, MSN, RN or Wanda Matthews, Compliance Investigator, at 225-755-7552.

# LOUISIANA-STATE BOARD OF NURSE

Karen C. Lyon, PhD, RN, NEA Executive Director

KCL/BMcĠ/wwm

Enclosures

Page 2 of 2

### IN THE MATTER OF: JENNIEER PAIGE DOYAL 2175 STOCKWELL RD. #216 BOSSIER CITY, LA 71111 RESPONDENT

### FINAL ORDER

The Louisiana. State Hoard of Nursing, having set a hearing to determine whether cause exists under La R.S. 37.91.1; et seq., to revoke or suspend or otherwise discipline the RN/APRN license of JENNIFER PAIGE DOVAL ("Respondent") held said hearing on April 29, 2014, pursuant to applicable Louisiana laws and regulations.

The hearing panel appointed by the Executive Director pursuant to La R.S. 37,922(A) was present. Celia Cangelosi, attorney, represented the Board and served as counsel to the Panel Chair. E. Wade Shows, attorney, served as prosecuting attorney for the Board. Respondent was not present and was not represented by counsel at this hearing.

Testimony and other evidence were received by the Board, and as a result thereof, the Board makes the following findings of fact and conclusion of law.

# FINDINGS OF FACT

### JURISDICTION

1. On October 8, 2004, Respondent was licensed by examination to practice as a Registered Nurse (RN) in Louisiana.

2. On January 3, 2012, Respondent was licensed by examination to practice as an Advanced Practice Registered Nurse (APRN) in Louisiana.

3. On February 1, 2014, Respondent's RN and APRN licenses became delinquent.

# LEGAL NOTICES AND FILINGS.

- 4. On September 17, 2013, a domand letter was mailed to Respondent's address of record by certified mail, return receipt requested; return receipt was signed and dated September 25, 2013.
- 5. On October 21, 2013, an email was sent to Respondent's email address.
- On October 22, 2013, a demand letter was mailed to Respondent's address of record by certified mail, return receipt requested; demand letter was returned to Board's office, "unclaimed" on November 18, 2013.
- On November 18<sup>th</sup> and 25<sup>th</sup> there were numerous phone calls by Board staff made in attempt to contact Ms. Doyal unsuccessfully.
- 8. On February 4, 2014, Respondent's RN and APRN licenses were summarily suspended and formal Complaint was filed. Notice of Summary Suspension, Complaint and notice of Board hearing were

Page 1 of 5

IN THE MATTER OF JENNIFER PAIGE DOYAL 2175 STOCKWELL RD. #216 BOSSIER CITY, LA, 71111 RESPONDENT

FINAL ORDER

mailed to Respondent's address of record by regular and certified mail, return receipt requested; documents were returned to Board's office "functaimed" on February 24, 2014

9. On March 19, 2014, a hotice of rescheduled hearing was mailed to Respondent's address of record by rogular and certified mail, return receipt requested documents were returned to Board's office "unclaimed" on April 22, 2014

## CURRENT CHARGES

3.

10: Between the dates of March 18, 2013 and September 1, 2013, while employed as a Family Nurse Practitioner, with Northwest Louisiana, Nephrology located in Shreveport, Louisiana, Respondent failed to practice minaing in accordance with the legal standards of nursing practice when Respondent misappropriated preactiption forms from former physician employer, forged physician's signature and DBA number, faisified prescriptions written to berself, and obtained the prescriptions on at least 34 OCCHSIONS,

- 11. On September 12, 2013, Respondent was arrested by the Shrevegort Police Department and charged with Prohibited Acts; Obtaining CDS by Fraud. The case is pending.
- 12. Respondent failed to cooperate with the Louisiana State Board of Nursing investigation by not . providing requested documentation and a written explanation addressing the allegations as requested by demand letter dated September 17, 2013, mailed to Respondent's address of record by certified mail, return receipt requested; return receipt was signed by Respondent and dated September 25, 2013. On October 21, 2013, 'in email was sent to Respondent's email address and on October 22, 2013, a demand letter was mailed to Respondent's address of record by certified mail, return receipt requested; demand letter was returned to Board's office on November 18, 2013.
- 13. On April 29, 2014, an administrative hearing was held. The Board reviewed documents, evidence and heard testimony. Board witness(cs) appeared credible and truthful.

# CONCLUSIONS OF LAW

That pursuant to La. R.S. 37:911 et seq., the Louisiana State Board of Nursing has jurisdiction over

- That Respondent was properly notified of the charges and date of hearing. 2,
  - That based on the foregoing Findings of Fact, Respondent did violate La. R.S. 37:921 as follows: Respondent is unfit or incompetent by reason of negligence, habit, or other cause; La. R.S. 37:921(3);

### IN THE MATTER OF: JENNIFER PAIGE DOYAL 2175 STOCKWELL RD. #216 BOSSIER CITY, LA, 71111

### FINAL ORDER

### **RESPONDENT**

- Respondent failed to practice oursing in accordance with the legal standards of nursing practice; L.A.C. 46:XLV11.3405 (a);
- Respondent failed to utilize appropriate judgment; L.A.C. 46:XLVII.3405 (c);
- Respondent has demonstrated improper use of drugs, medical supplies or equipment, patient's
- records, or other items; L.A.C. 46:XLVII.3405 (h);
- Respondent misappropriated items of an individual, agency, or entity; L.A.C. 46:XLVII.3405 (i);
- Respondent falsified records; L.A.C. 46:XLVII.3405 ();
- Respondent has violated a rule adopted by the board, an order of the board, or a state or federal law relating to the practice of professional nursing, or a state or federal narcotics or controlled substance law; L.A.C. 46:XLVII.1405 (p); .....
- Respondent demonstrated inappropriate, incomplete or improper documentation; L.A.C. 46:XLVU.3405 (g);
  - Respondent failed to cooperate with the board by:
    - not furnishing in writing a full and complete explanation covering a matter requested by the board; and ò
      - not providing information, documents/records reports, evidence or any other requested items within the designated time period to the board office as requested by the board/board staff.

That the evidence presented constitutes sufficient cause pursuant to La. R.S. 37:921 to ratify the license summary suspension issued by Board staff on February 4, 2014 and to continue the suspension of Respondent's licenses to practice as a Registered Nurse and Advanced Practice Registered Nurse in Louisiana.

### ORDER

In an open meeting of the Louisiana State Board of Nursing, on April 29, 2014, the following Order was rendered;

It is ORDERED, ADJUDGED, AND DECREED that the February 4, 2014 license summary suspension of Respondent's RN and APRN licenses issued by Board staff is hereby ratified, the Board finding that the public health, safety and welfare require imperative action. Further, the licenses suspension shall continue and Respondent shall have the opportunity to request license reinstatement after completion of the following stipulations, receipt of approval from Board staff, and submission to the reinstatement process:

- 1. Refrain from working in any capacity as an Advanced Practice RN and/or Registered Nurse. Failure to do so shall cause further disciplinary action and/or criminal charges. 2.
  - Submit certified copies of all criminal charges. Have resolved any and all pending criminal arrests, convictions, probation, and parole including any pre-trial diversion programs prior to request for Board consideration.

### IN THE MATTER OF: JENNIFER PAIGE DOYAL. 2175 STOCKWELL RD. #216 BOSSIER CITY LA 71111: RESPONDENT.

### FINAL ORDER

### Submit to comprehensive inpatient psychiatric, psychological, and substance abise evaluation, at Respondent's expense, at a Board-recognized evaluation and treatment center, Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to Respondent's capability of practicing nursing with reasonable skill and safety to patients.

- 4. Shall submit all pages of Order to each evaluator prior to the start of the cvaluations in order for the evaluation to be deemed valid.
- 5. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. If monitoring is recommended, license suspension with stay and, probation shall be required and Respondent must work and practice nursing in the state of Louisiana during the monitoring time period. This stipulation shall continue until Respondent is fully discharged by the respective
- professionals and until approved by the Board staff. 6. If the evaluations give any treatment recommendations or findings to warrant concern for patient safety,
- shall meet with Board or Board staff. Must demonstrate to the satisfaction of the Board that Respondent poses, no danger to the practice of nursing or to the public and that Respondent can safely and competently perform the duties of a Registered Nurse. If the Board subsequently approves licensure, a period of probation, along with supportive conditions or stipulations, will be required to ensure that patients and the public are protected.
- 7. If diagnosed with chemical dependency of alcohol and/or other mood-altering substances, immediately sign an agreement with the Recovering Nurse Program, and cause to have submitted evidence of compliance with all program requirements for a minimum of 3 years.
- 8. Immediately (within 72 hours) inform the Board in writing of any change in address.
- 9. Submit payment of \$1,500.00 to the Board as fine.
- 10. Submit payment of \$300.00 to the Board as cost of hearing.
- 11. Submit payment of \$262.50 to the Board for cost of legal fees.
- 12. Before reinstatement of license(s), shall submit to supervised random drug screens for a minimum of two (2) months through an LSBN-approved laboratory (bodily fluids [urine, blood, saliva] and/or hair may be tested). Additional screenings may be requested by board staff. Written reports of same shall be submitted to the Board.
- 13. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incident.
- 14. Failure to comply with the above orders shall result in further disciplinary action.

Reporting: This will be reported to the National Practitioner Data Bank as 99, Obtained Fraudulent Prescriptions, Pending Criminal Matter and 23, Failed to Cooperate With Board's Investigation.

NPDB Narrative: By Einal Order, the summary suspension of Respondent's RN and APRN licenses on February 4, 2014 was ratified and the license summary suspension was continued with opportunity for Respondent to request reinstatement of licenses after completion of stipulations after Respondent

### Page 4 of 5

IN THE MATTER OF, JENNIVER PAIGE DOYAL 2175 STOCKWELL RD 4216 BOSSIER CITY DA 51111 RESPONDENTS

FINAL ORDER

obtained frandulent prescriptions on 32 occasions, due to Respondent's pending criminal matter, and after Respondent failed to cooperate with Board's investigation.

2014

LOUISIANA STATE BOARD OF NURSING

Karen C. Lyon, PhD, APRN, ACNS, NEA Executivé Director

Page 5 of 5