



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.
Patricia Thomas
Executive Director of the Board

DOCKET NUMBER 507-15-3074

**IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 171840,
ISSUED TO
THERESA LYNN HAWKINS**

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§**

**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

OPINION AND ORDER OF THE BOARD

**TO: THERESA LYNN HAWKINS
3527 COLQUITT
SHREVEPORT, LA 71118**

**ELIZABETH DREWS
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701**

At the regularly scheduled public meeting on October 22-23, 2015, the Texas Board of Nursing (Board) considered the following items: (1) Order No. 1, *Dismissing Case*, issued by the ALJ in the above cited matter; (2) Staff's recommendation that the Board revoke the Respondent's vocational nursing license by default; and (3) Respondent's recommendation to the Board regarding the above cited matter, if any.

On May 20, 2015, 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 May 20, 2015, 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 No. 1, *Dismissing Case*, 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 the Order No. 1 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 license to practice vocational 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 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 vocational nursing license 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(l), 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 Number 171840, previously issued to THERESA LYNN HAWKINS, to practice nursing in the State of Texas be, and the same is 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 22nd day of October, 2015.

TEXAS BOARD OF NURSING


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

Attachment: Formal Charges

In the Matter of
Permanent Vocational Nurse
License Number 171840
Issued to THERESA LYNN HAWKINS,
Respondent

§ BEFORE THE TEXAS
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§
§
§ BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, THERESA LYNN HAWKINS, is a Vocational Nurse holding License Number 171840, which is in delinquent 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 April 23, 2014, Respondent's Louisiana practical nurse license was SUMMARILY SUSPENDED by the Louisiana State Board of Practical Nurse Examiners, Metairie, Louisiana. A copy of the Louisiana State Board of Practical Nurse Examiners Summary Suspension Order dated April 23, 2014, is 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. 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).

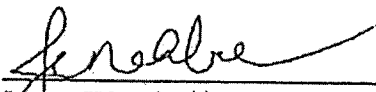
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

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

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: Louisiana State Board of Practical Nurse Examiners Summary Suspension Order dated April 23, 2014.

Filed this 9th day of February, 2015.

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

Natalie E. Adelaja, Assistant General Counsel
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State Bar No. 24079751

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333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Louisiana State Board of Practical Nurse Examiners Summary Suspension Order dated April 23, 2014

D/2014.08.18

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS
3421 NORTH CAUSEWAY BOULEVARD, SUITE 505
METAIRIE, LOUISIANA 70002-3715
(504) 838-5791
FAX (504) 838-5279
www.lsbprn.com

April 23, 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7014 0150 0001 8287 7502

Theresa Hawkins
1215 Captain Shreve Drive #13
Shreveport, LA 71105

License # 992426

Dear Ms. Hawkins: —

Date 5/29/14
I certify this to be a true copy of the
records on file with the Louisiana
State Board of Practical Nurse Examiners.
M. Lynn Anserdi
Executive Director

The Louisiana State Board of Practical Nurse Examiners has received a report regarding your practice as a licensed practical nurse. The report is concerning an incident that occurred at Pierremont Healthcare Center. It alleges that on March 13, 2014, you neglected a resident in your care by failing to assess the resident in a timely fashion, notify the physician and notify the family of a change in condition. At 3:30p.m. you were notified, by two certified nursing assistants, that something was unusual about the way resident G.M. was looking and behaving. You visually assessed the resident noting an increase of chest congestion and informed by the resident that he was not feeling well. At this time you did not obtain vitals, notify the physician or the family. At approximately 3:45p.m. you were again notified that the resident's behavior was unusual. At 4:30p.m. you administered medications to the resident. You did not check on the resident again until 6:30 p.m. where he was found to have labored breathing with O2 saturation at 80%. You administered 2 liters of oxygen which did not improve the resident's breathing. You failed to notify the physician or the family of the resident's change in condition. The resident's brother called a family member. Once the family member's arrived to the facility they had to contact the assistant director of nursing for assistance. The ADON had to inform you to send the resident to the emergency room. EMS was not notified of the emergency until 7:22 p.m. Upon arrival of EMS, you were unable to be located for 3-5 minutes. The patient was covered in bloody stools covering his back and arms, foley cath in place with cloudy yellow/brown output with gurgling respirations on O2 via nasal cannula at 5 liters per minute. The patient was in a critically emergent state and in need of immediate transport. The patient was tachypneic with gurgling and pulmonary edema. He was placed on NRB at 15 liters with no improvement. The patient coded at the ER and was placed on a ventilator.

Louisiana Revised Statutes, Section 49:961 (C), in pertinent part, provides: "If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to the effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." LSA-R.S. 49:961(C).

Date 5/29/14

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS

3421 NORTH CAUSEWAY BOULEVARD, SUITE 505

METairie, LOUISIANA 70002-3715

(504) 838-5781

FAX (504) 838-5279

www.lsbpne.com

I certify this to be a true copy of the records on file with the Louisiana State Board of Practical Nurse Examiners.

M. Lynn Ansardi

Executive Director

The Board has determined that the allegations against you are sufficiently serious to summarily suspend your LPN license, in accordance with the above cited authority, and hereby, issues the following Order:

ORDER

IT IS HEREBY ORDERED, that based on the information and/or record(s) obtained by the Louisiana State Board of Practical Nurse Examiners, and a finding "that public health, safety, or welfare imperatively requires emergency action", in accordance with LSA-R.S. 49:961 (C), the LPN license of the above named respondent, Theresa Hawkins, is hereby summarily suspended, pending proceedings for revocation or other action, in accordance with Louisiana law.

M. Lynn Ansardi, R.N.

Louisiana State Board of Practical Nurse Examiners

M. Lynn Ansardi, Executive Director

You must immediately cease and desist the practice of practical nursing and return your current practical nursing license to the Board office.

The Board will schedule your case for the next available formal hearing and will notify you by mail of the date and time. Moreover, the Board will continue its investigation of the allegations against you, about which you will be notified by Formal Complaint, to determine if you are in violation of the following:

3. being unfit, or incompetent by reason of negligence, habit or other causes;
8. being guilty of unprofessional conduct:
 - a. failure to practice practical nursing in accordance with the standards normally expected;
 - b. failure to utilize appropriate judgment in administering nursing practice;
 - c. failure to exercise technical competence in carrying out nursing care;
 - j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;
 - o. being guilty of moral turpitude;
 - p. inappropriate, incomplete or improper documentation;
 - t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

Louisiana Revised Statute, Title 37, Chapter 11. Nurses, Part II. Practical Nurses, Section 969, et. seq.

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS
3421 NORTH CAUSEWAY BOULEVARD, SUITE 505
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www.lsbphe.com

Furthermore, you should immediately submit to our office a detailed narrative response to the allegation.

Sincerely,

LOUISIANA STATE BOARD OF
PRACTICAL NURSE EXAMINERS

M. Lynn Ansardi R.N.

M. Lynn Ansardi
Executive Director

MLA/kl

Date

5/29/14

I certify this to be a true copy of the
records on file with the Louisiana
State Board of Practical Nurse Examiners.

M. Lynn Ansardi
Executive Director