



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 Patterson
Executive Director of the Board

IN THE MATTER OF PERMANENT
VOCATIONAL NURSE
LICENSE NUMBER 207813
ISSUED TO
TYNISHA QUONTA PATTERSON,
RESPONDENT

§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: TYNISHA QUONTA PATTERSON
12500 DUNLAP ST., #699
HOUSTON, TX 77035

During open meeting held in Austin, Texas, on November 8, 2016, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the 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 [22 TEX. ADMIN.CODE § 213.16(j)]. 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.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 207813, previously issued to TYNISHA QUONTA PATTERSON, 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 8th day of November, 2016.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed August 29, 2016.

d17r(lvn)(2016.05.11)

Re: Permanent Vocational Nurse License Number 207813
Issued to TYNISHA QUONTA PATTERSON
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of November, 2016, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested
TYNISHA QUONTA PATTERSON
12500 DUNLAP ST., #699
HOUSTON, TX 77035

Via USPS First Class Mail
TYNISHA QUONTA PATTERSON
811 MONTGOMERY RD
OPELOUSAS, LA 70570



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of	§	BEFORE THE TEXAS
Permanent Vocational Nurse	§	
License Number 207813	§	
Issued to TYNISHA QUONTA PATTERSON,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TYNISHA QUONTA PATTERSON, is a Vocational Nurse holding License Number 207813, 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 March 30, 2016, Respondent's Louisiana practical nurse license was placed on Probation by the Louisiana State Board of Practical Nurse Examiners, Metairie, Louisiana. A copy of the Louisiana State Board of Practical Nurse Examiners' Default Order dated March 30, 2016, 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.

CHARGE II.

On or about April 19, 2016, 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' letter dated April 19, 2016, 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 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, www.bon.texas.gov.

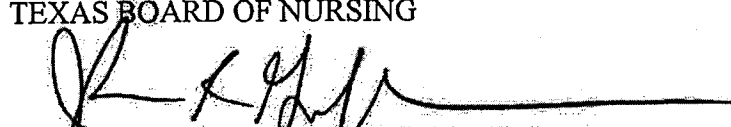
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted Disciplinary Guidelines for Criminal Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

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' Default Order dated March 30, 2016, and Louisiana State Board of Practical Nurse Examiners' letter dated April 19, 2016.

Filed this 29 day of August, 2016.

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

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333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

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Attachments: Louisiana State Board of Practical Nurse Examiners' Default Order dated March 30, 2016, and Louisiana State Board of Practical Nurse Examiners' letter dated April 19, 2016.

D(2015.11.18)

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DEFAULT ORDER

IN THE MATTER OF

The Louisiana State Board of Practical Nurse Examiners (Board)

v.

Tynisha Patterson (respondent), LPN, license #220397
811 Montgomery Rd, Opelousas, LA 70570

On March 7, 2016, a formal complaint (attachment A) was mailed to the last known address of the respondent. The respondent did not reply to the complaint, as required by the LAC 46: XLVII. 306.I and therefore the respondent waived the right to a hearing. In accordance with the LAC 46: XLVII. 306.J, this order is issued by default.

LEGAL AUTHORITY AND JURISDICTION

The Board's legal authority and jurisdiction, in adjudication proceedings, are provided for in:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 961 et seq., as amended; and
2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Section 101 et seq., as amended; and
3. The Louisiana Administrative Procedure Act, Title 49, Chapter 13, Section 950 et seq., as amended.

FINDINGS OF FACT

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on July 9, 2002.
2. The respondent was employed with Hargroder Medical. During her employment there, she received multiple warnings about failing to work her assigned hours. Between 9/29/10 and 6/19/12, she only worked her scheduled 40-hour week once. She was terminated for unreliability on 6/19/12.
3. The respondent was hired at Eunice Manor on 6/12/13. She received a written warning on 11/8/13, after she left the medication cart unlocked and unattended. On 7/30/14, she was issued a medication error report, after she administered lorazepam 0.5 mg to a resident at 8:00 am, instead of 8:00 pm, as ordered. On 6/10/15, administration met with the respondent to discuss her failure to show or call for a scheduled shift. Following this,

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she submitted a voluntary resignation, which she later retracted.

4. On 7/22/15, the respondent was witnessed handling a resident roughly in the dining area of Eunice Manor. This resident had been seated at a dining table with several other residents. It was reported that the resident had taken food from another at the table. The respondent approached the table, pulled the resident away from the table and screamed at her. She pushed her towards another table and seated her in a chair. Several times, the resident attempted to push away from the table. The respondent repeatedly pushed the resident's chair towards the table. The resident was crying and said that the respondent had hurt her hand. The respondent told the resident "Shut up, you know I didn't hurt your hand".

The respondent was terminated for rudeness and roughness towards the resident. Following the termination, the respondent insulted staff members of the facility and posted details of their personal information on social media.

CONCLUSIONS OF LAW

Based on the findings of fact, enumerated above, the respondent is in violation of:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A. (4);
 - (c) is unfit, or incompetent by reason of negligence habit, or other causes;
 - (f) is guilty of unprofessional conduct;
 - (g) has violated any provisions of this Part;

And 978 A (8) Violate any provisions of this Part.

2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Sections 306 T.
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;
 - d. violating the confidentiality of information or knowledge concerning a patient;

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- g. improper use of drugs, medical supplies, or patients' records;
- i. falsifying records;
- j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;
- l. leaving a nursing assignment without properly notifying appropriate personnel;
- 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.

ORDER

In view of the above findings of fact and conclusions of law, the board issues the following order by default.

That the license of the respondent, Tynisha Patterson, license #220397 be placed on probation for a minimum period of one (1) year from the date of this order.

During this probation time, the respondent must abide by the following stipulations:

1. **License:**
 - A. The license of the respondent will be stamped "PROBATION".
 - B. The respondent shall return his/her current practical nursing license to the board office within ten (10) days of the date of this order, so that the license can be stamped with the mandatory probation stamp.
2. **Obey all laws:**
 - A. The respondent shall obey all laws/rules governing the practice of practical nursing in this state and obey all federal, state, and local laws.
 - B. The respondent shall report to the board within ten (10) days any misdemeanor and/or felony arrest(s) or conviction(s).

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3. **Fines/Fees:**

- A. The respondent is hereby fined \$500.00, **payable by cashier's check or money order only**, for the violations detailed in the conclusions of law, payable within **90 days** of the date of this order.
- B. The respondent is to submit a \$500.00 annual probation monitoring fee, **payable by cashier's check or money order only**.
- C. The probation monitoring fee is due within **three (3) months** of receiving a probated license, and annually thereafter until the probation is satisfactorily completed.
- D. Failure to pay these fine/fees in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

4. **Notify board of change of address/telephone number/employment:**

- A. The respondent shall notify the board in writing within **ten (10) days** of any change in personal address, telephone number, or employment. Changes in employment include accepting a new job, as well as resignation, or termination.

5. **Employment:**

- A. The respondent shall provide a copy of the entire board order/consent order including the findings of fact and conclusions of law immediately to any/all current employer(s) and at the time of application to any/all prospective employer(s).
 - i. If the respondent is already employed as an lpn, the respondent and the current employer shall enter into the board's **Employer's Agreement** (form(s) issued by board). The signed form(s) shall be submitted to the board office within **ten (10) days** of the date of this order.
 - ii. Upon obtaining new employment as an lpn, the respondent shall enter into the board's **Employer's Agreement** (form(s) issued by board) with the prospective employer. The signed form(s) shall be submitted to the board office within **ten (10) days** of the date of hire.

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- B. All current and prospective employers must agree to allow the respondent's direct supervisor to monitor the respondent while on probation as well as timely submission of evaluations.
- C. Probation will run concurrent with employment as an lpn.
- D. The respondent must be employed a minimum of 80 hours per month.
- E. The probationary period will not commence or progress until and unless the respondent is employed and delivering direct patient care as a licensed practical nurse.
- F. Failure to maintain stable employment may be grounds for termination of probation.
- G. The respondent must practice under the supervision of a nurse (rn or lpn) or physician whose license is unencumbered and must provide direct patient care as follows:
 - i. The respondent must be supervised on a regular and consistent basis by his/her assigned supervisor. The supervisor must observe and work closely enough with the respondent to be able to give an informed evaluation of the respondent. The employer must be willing to allow this supervision and provide opportunities for the same supervisor to evaluate the performance of the respondent.
 - ii. It is the respondent's responsibility to ensure that his/her supervisor submits the evaluation reports quarterly.
 - a. Reports are due on or before the 10th day of January, April, July, and October of each year. (Note: these forms will be provided to the employer)
 - b. Only the respondent's direct supervisor may complete the evaluations according to the observations made during the supervision.
- H. The respondent is prohibited from working in temporary staffing, as an agency nurse, for a nursing pool and/or in the home health setting, or in any other similar setting including but not limited to working in a teaching capacity, as a travel nurse and/or on an "as needed" basis - prn.

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I. Upon obtaining a prescription for controlled/abuse potential substance(s) while holding a probated license, the respondent is responsible for informing his/her employer within three (3) days from the date of the prescription(s).

6. **Courses:**

The respondent shall successfully complete the following courses:

- Communication Skills for Nursing (minimum 30 contact hours)
- Patient Advocacy (minimum 8 contact hours)
- Anger Management (minimum 30 contact hours)

Evidence of completion of the courses is due in the board office within ninety (90) days of the date of this order.

Violations

The respondent is hereby notified that failure to comply with any stipulations of this order of the board may result in any or all of the following:

- a) immediate suspension of license, b) indefinite suspension of license, c) ineligibility for annual renewal of license, d) additional fines/penalties up to \$500.00 per occurrence, e) increased probationary period, f) summary suspension and g) revocation.

FAILURE TO COMPLY WITH ANY SECTION OF THIS ORDER RELATED TO DRUG SCREENS, TREATMENT PLANS, AND/OR REGARDING PERSONAL SUBSTANCE ABUSE WHETHER PRESCRIPTION DRUGS OR ILLEGAL DRUGS MAY RESULT IN SUSPENSION OF UP TO A FOUR (4) YEAR PERIOD WITHOUT A HEARING BEFORE THE BOARD. During the period of suspension, if related to substance abuse, appropriate consistent treatment must be obtained, and the respondent must show evidence of two (2) consecutive years of being drug/alcohol free immediately prior to the respondent's initiation of a reinstatement request. If during the two (2) consecutive years of sobriety the respondent relapses, the two (2) consecutive years of sobriety will re-start on the date of the relapse occurrence, provided that the respondent is in treatment.

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Public Records

This order is public record. All disciplinary actions of the board will be reported to all required data banks and agencies as required by law.

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS
M. Lynn Ansardi RN

M. Lynn Ansardi, RN
Executive Director

3/30/16
Date

Rendered this 30th day of March, 2016, and mailed this 30th day of March, 2016, by U.S. Postal Service, Regular and Certified Mail No. 7015 3430 0000 2102 6590 to:

Tynisha Patterson
811 Montgomery Rd
Opelousas, LA 70570

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April 19, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7015 3430 0000 2102 6774

Tynisha Patterson
811 Montgomery Rd
Opelousas, LA 70570

License # 220397

Dear Ms. Patterson:

The Louisiana State Board of Practical Nurse Examiners has received a report concerning an incident that occurred on April 3, 2016. A child was seen in the emergency room with bruising on the arm and leg. Staff alerted the police, who discovered that you had beaten this child with a belt. Another adult had tried to stop you, but you would not stop. You did not stop beating the child until you were "out of breath". You were jailed and charged with Domestic Abuse Battery. A temporary restraining order was placed against you.

Your Louisiana practical nursing license was placed on probation on March 30, 2016, for an allegation of verbal and physical abuse of a resident in your care.

Louisiana Revised Statutes, 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).

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, Tynisha Patterson, is hereby summarily suspended, pending proceedings for revocation or other action, in accordance with Louisiana law.

M Lynn Ansardi RN

Louisiana State Board of Practical Nurse Examiners
M. Lynn Ansardi, RN, Executive Director

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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:

2. being guilty of a crime;
3. being unfit, or incompetent by reason of negligence, habit or other causes;
4. being habitually intemperate or addicted to the use of habit-forming drugs;
8. being guilty of unprofessional conduct;
 - j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;
 - n. being convicted of a crime or offense which reflects the inability of the nurse to practice practical nursing with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding including, but not limited to, expungement or nonadjudication or pardon;
 - o. being guilty of moral turpitude;
 - 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.

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 RN

M. Lynn Ansardi, RN
Executive Director

MLA/dk