



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 ORDER  
YVETTE OKALA TURNER, § FOR  
Vocational Nurse License Number 325159 and § DISCIPLINE & ELIGIBILITY  
PETITIONER for Eligibility for Licensure §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Vocational Nurse License Number 325159 and the Application by Examination, which has been processed as a Petition for Declaratory Order, herein referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §217.2(b) and §213.30, and supporting documents filed by YVETTE OKALA TURNER, hereinafter referred to as PETITIONER, requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that Petitioner may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(2),(8)&(10) and 301.453, Texas Occupations Code.

Petitioner waived notice and hearing and agreed to the entry of this Eligibility Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 19, 2018.

FINDINGS OF FACT

1. On or about August 9, 2018, Petitioner submitted the Petition requesting a determination of eligibility for licensure.
2. Petitioner received a Certificate in Vocational Nursing from Professional Healthcare, Inc., Woodbridge, Virginia, on September 11, 2006. Petitioner was licensed to practice practical nursing in the Commonwealth of Virginia on November 29, 2006, was licensed to practice

practical nursing in the State of Maryland on June 14, 2007, and was licensed to practice vocational nursing in the State of Texas on March 3, 2015. Petitioner received an Associate Degree in Nursing from Galen College of Nursing, San Antonio, Texas, on September 18, 2018.

3. Petitioner's licenses to practice as a practical nurse in the Commonwealth of Virginia and in the State of Maryland are in expired statuses, and Petitioner's license to practice as a vocational nurse in the State of Texas is in current status.
4. Petitioner completed the Petition and answered "No" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*
5. On August 25, 2014, Petitioner was issued a Consent Order of Probation by the Maryland Board of Nursing. A copy of the August 25, 2014, Maryland Consent Order of Probation is attached and incorporated by reference as part of this Order. Petitioner's license to practice as a practical nurse in the State of Maryland remains encumbered by the Maryland Consent Order of Probation.
6. After considering the action taken by the Maryland Board of Nursing, along with Petitioner's subsequent conduct, the Executive Director is satisfied that Petitioner should be able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
7. Petitioner's nursing employment history is unknown.
8. On or about January 9, 2015, Petitioner submitted an Endorsement Application for Licensed Vocational Nurses to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information in that she answered "no" to the following question:

*"Has any licensing authority ever refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*

Petitioner failed to disclose that on or about August 25, 2014, her Maryland Practical Nurse license was placed on Probation by the Maryland Board of Nursing, Baltimore, Maryland.

9. Regarding the conduct outlined in Finding of Fact Number Eight (8), Respondent states she was not aware of the action by the Maryland Board of Nursing when she applied for her Texas license.

10. Formal Charges were filed on April 24, 2018.
11. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for licensure.
12. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
13. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
14. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. On or about August 9, 2018, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.2(b) and §213.30.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE 22 TEX. ADMIN. CODE §217.12(6)(I).
4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(2),(8)&(10), Texas Occupations Code.
5. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
6. The Board may license an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

7. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).
8. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

### TERMS OF ORDER

#### **I. SANCTION, ELIGIBILITY FOR LICENSURE AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that PETITIONER SHALL receive the sanction of **WARNING WITH STIPUATIONS and FINE** and the PETITION is hereby **GRANTED**, and upon meeting the requirements for graduation of an appropriate program in nursing education and payment of any required fees, PETITIONER is **ELIGIBLE** to sit for the National Council Licensure Examination for Practical Nurses (NCLEX-PN<sup>®</sup> Examination) and/or the National Council Licensure Examination for Registered Nurses (NCLEX-RN<sup>®</sup> Examination), as applicable.

- A. PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse (GN) in the State of Texas.
- B. Upon payment of any required fees and upon attaining a passing grade on the applicable National Council Licensure Examination, PETITIONER shall be issued the applicable license(s) to practice nursing in the State of Texas.
- C. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- D. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- E. As a result of this Order, PETITIONER'S license will be designated "single state" and PETITIONER may not work outside the State of Texas in another nurse licensure compact party state.

## II. COMPLIANCE WITH LAW

While under the terms of this Order, PETITIONER agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Eligibility Agreed Order.

## III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft, and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study and video programs will not be approved.
- B. **The course "Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), PETITIONER SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. PETITIONER SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

## IV. MONETARY FINE

PETITIONER SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) days of the effective date of this Order.

Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**V. EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, PETITIONER must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Incident Reporting:** PETITIONER SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving PETITIONER, as well

as documentation of any internal investigations regarding action by PETITIONER, to the attention of Monitoring at the Board's office.

- D. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the individual who supervises the PETITIONER and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

**VI. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Eligibility Agreed Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, PETITIONER may be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

**PETITIONER'S CERTIFICATION**

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

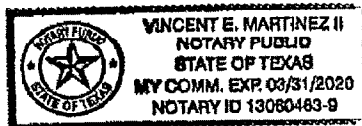
I understand that I can be represented by an attorney in this matter. I waive notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 1 day of May, 2019.

Yvette Okala Turner  
YVETTE OKALA TURNER, Petitioner

Sworn to and subscribed before me this 1 day of May, 2019.

SEAL



Vincent E. Martinez II  
Notary Public in and for the State of TX

Approved as to form and substance.

Alejandro Mora  
Alejandro Mora, Attorney for Petitioner

Signed this 2nd day of May, 2019.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Eligibility Agreed Order that was signed on the 1st day of May, 2019, by YVETTE OKALA TURNER, Vocational Nurse License Number 325159 and PETITIONER for Eligibility for Licensure, and said Eligibility Agreed Order is final.

Effective this 11th day of June, 2019.



---

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

IN THE MATTER OF

\*  
\*  
\*  
\*  
\*

BEFORE THE

YVETTE TURNER

MARYLAND BOARD

License Number LP<sup>43676</sup>~~43576~~

OF NURSING

\*\*\*\*\*

**CONSENT ORDER OF PROBATION**

Based upon certain information having come to the attention of the Maryland Board of Nursing (the "Board") regarding the nursing practice of Yvette Turner (the "Respondent"), the Board directed that an investigation of the Respondent's practice be conducted. Based on that investigation, on January 27, 2014, the Respondent attended a settlement conference with Board representatives in an effort to reach resolution of the case prior to the issuance of formal charges. The Respondent and the Board subsequently agreed to the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

The Board finds that:

1. On or about August 7, 2013, the Board received a complaint from a facility in Baltimore, Maryland (the "Facility") regarding the Respondent's practice as a licensed practical nurse ("LPN") in the State of Maryland.
2. According to the complaint, on July 24, 2013, the Respondent left a bottle of methadone on top of a medication cart while attending to another task. When the Respondent returned to the medication cart, the methadone was missing. The Respondent self-reported to the Facility's Director of Nursing, and the Director of Nursing conducted an investigation.
3. The Respondent subsequently resigned her position at the Facility.

4. In both her written response to the Board and her interview with Board staff under oath, the Respondent acknowledged that she left the methadone unsecured on the medication cart, stating that she was interrupted by other Facility staff.

5. Regardless that the Respondent was reacting to multiple demands in a short period of time, the Respondent, as a nurse, should have known to secure a medication such as methadone. Thus, the Board considers the Respondent's actions on July 24, 2013 to be inconsistent with the generally accepted standards in the practice of practical nursing and, accordingly, the Board finds that the Respondent has violated Md. Code Ann, Health Occ. § 8-316(a)(8).

6. The Board finds that the Respondent's misconduct falls within category F(1) of the Board's sanctioning guidelines. *See* COMAR 10.27.26.07.F(1). The range of potential sanctions under category F(1) is reprimand to probation for five years. *Id.* The applicable range of potential monetary penalties is \$1,000 to \$3,000. *Id.*

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Md. Code. Ann., Health Occ. § 8-316(a) as follows:

(8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing or licensed practical nursing.

#### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that, beginning on the effective date of this Order, the license of the Respondent to practice as a practical nurse in the State of Maryland is placed on **PROBATION** for a minimum of **THREE (3) YEARS** subject to the following terms and conditions:

1. The Respondent's status as a practical nurse will be listed in the Board's computer records and website as being on "**Probation**";
2. The Respondent may seek and or continue employment as a practical nurse but shall obtain Board approval prior to accepting any nursing positions;
3. The Respondent shall immediately notify all employers of the probationary status of the Respondent's license and arrange for all employers to submit, in writing, confirmation that they have reviewed this Order;
4. The Respondent shall arrange for the Respondent's supervisor at the Respondent's place of employment to submit written quarterly Work-Site reports to the Board evaluating the Respondent's nursing practice. If the Respondent's employment terminates at any of the Respondent's place(s) of employment prior to the due date of a quarterly report, then a final workplace report is due on the last day of employment. It is the Respondent's responsibility to ensure that such reports are submitted to the Board and to notify the Respondent's supervisor when these reports are due. An unsatisfactory report will be considered a violation of probation and this Order;
5. The Respondent shall notify the Board in writing of any nursing position from which she is terminated by her employer and/or of any nursing position from which she voluntarily resigns within **THREE (3) BUSINESS DAYS** of the date of termination and resignation. The Respondent shall include the reasons for the termination or resignation in any written notification to the Board. Failure to provide written notification to the Board of any

termination or resignation as required by this paragraph shall constitute a violation of probation and this Order;

6. The Respondent shall submit to the Board written quarterly self reports describing the Respondent's progress. Failure to provide written self reports on time shall constitute a violation of probation and this Order;

7. **ORDERED** that the Respondent shall satisfactorily complete course approved in advance by the Board in 1) **ETHICS OF NURSING**; 2) **PROFESSIONAL ACCOUNTABILITY**; and 3) **DOCUMENTATION** and shall provide written proof of successful completion of this course to the Board within **THREE (3) MONTHS** of the effective date of this Order. Failure to provide written proof of successful completion of these courses shall constitute a violation of probation and this Order;

8. At any time during the probationary period, the Board may, in its discretion, order the Respondent to submit to an appropriate examination by a health care provider designated by the Board. The Respondent shall sign all necessary consent forms required to authorize disclosure of the examiner's written report to the Board, and the Board will pay the costs of this examination;

9. The Respondent shall submit to an in-person, face-to-face meeting with Board staff if requested to do so throughout the entire duration of the probationary period;

10. In the event the Respondent moves permanently or temporarily, either within or outside the State of Maryland, the Respondent shall notify the Board of the Respondent's new address and phone number within three days of the move;

11. The Respondent shall disclose a copy of this Order to the nursing board of any other state where the Respondent is employed and shall obtain and submit to this Board written acknowledgement of that disclosure;

12. The Respondent shall obey all state and federal laws. If the Respondent is convicted of, or pleads guilty to, any crimes, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside, the Respondent shall notify the Board, in writing, of any conviction(s) or guilty plea(s) within **TEN (10) DAYS** of the conviction or guilty plea. Failure to report a conviction or guilty plea to the Board in writing within **TEN (10) DAYS** is a violation of probation and this Order;

13. The Respondent shall have contacted, and scheduled an appointment with, the Board of Nursing's Discipline/Compliance unit no later than **THIRTY (30) DAYS FROM THE EFFECTIVE DATE OF THIS ORDER**, for the purpose of beginning compliance with the terms and conditions of probation. Failure to do so will constitute a violation of probation and of this Order;

14. In the event the Board grants to the Respondent any other type of certificate or license that the Board is authorized to grant, that certificate or license shall be subject to all of the same terms and conditions imposed in this Consent Order, including all of the same probationary conditions listed in the preceding paragraphs 1-13; and it is further **ORDERED** that the Respondent shall be responsible for paying all costs required to comply with the terms and conditions of this Order; and it is further

**ORDERED** that this Order shall be applicable to the Respondent's multi-state privilege to

practice practical nursing and, for the duration of this Order, the Respondent may not work outside the State of Maryland pursuant to a multistate licensure privilege without written permission of the Maryland Board of Nursing and the nursing board in the party state where the Respondent wishes to work; and it is further

**ORDERED** that if the Respondent violates any of the terms and conditions of this probation and/or this Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as to the material fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have imposed in this case under H.O. § 8-316 including a reprimand, additional probation, stayed or active suspension, revocation, and/or monetary fine, said violation being proven by a preponderance of the evidence; and it is further

**ORDERED** that no earlier than **THREE (3) YEARS** after the effective date of this Order, the Board will consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been compliant with the probationary terms of this Order and safely employed as a practical nurse for at least **NINE (9) MONTHS** immediately preceding submission of a petition for termination of probation; and it is further

**ORDERED** that there shall be no early termination of the **THREE (3) YEAR** probationary period. The Board will not consider any requests from the Respondent to terminate probation any earlier than three (3) years from the effective date of this Order; and it is further

**ORDERED** that this Order is a **PUBLIC DOCUMENT** under Md. Code Ann., State Gov't

§ 10-617(h) (2009 Repl. Vol.).

8/25/14  
Date

<

Nancy Adams, MBA, RN  
N: The President's Signature Appears on  
M the Original Document

**CONSENT**

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact, and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

Yvette Turner  
YVETTE TURNER, LP43576