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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Vocational Nurse License Number 223324 §
issued to EARNESTINE YVONNE SAYLES §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of EARNESTINE YVONNE SAYLES, Vocational Nurse License Number 223324, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 23, 2019.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in nurse licensure compact invalid status.
4. Respondent received a Certificate in Vocational Nursing from Hinds Community College - Jackson, Jackson, Mississippi, on August 1, 2008. Respondent was licensed to practice vocational nursing in the State of Texas on August 27, 2009.
5. Respondent's nursing employment history includes:

8/2009 - 05/2016	Unknown	
06/2016 - 06/2017	LVN	Pediatric Home Healthcare Dallas, Texas

Respondent's nursing employment history continued:

07/2017 – 01/2019	Unknown	
02/2019 – Present	LVN	Maxim Home Healthcare Memphis, Tennessee

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Pediatric Home Healthcare, Dallas, Texas, and had been in that position for one (1) year.
7. On or about May 2, 2017, through June 22, 2017, while employed as a Licensed Vocational Nurse with Pediatric Home Healthcare, Dallas, Texas, and assigned to Patient H.O., Respondent falsely documented nursing notes for hours that were not worked and falsified Patient H.O.'s parent's signature on the nursing notes. Further, Respondent admitted to the Scheduler that she typically left the patient's home at 5:00 p.m. or 5:30 p.m., which did not match the check-out times documented on nursing notes. Respondent's conduct created an inaccurate medical record and was likely to defraud and deceive the patient or the public of money paid to Respondent for hours not actually worked.
8. In response to Findings of Fact Number Seven (7) Respondent states Patient H.O.'s mother gave her permission to sign her signature. Respondent states she documented the same check out time, even on the days she left early, because Patient H.O.'s mother told her to. Respondent states Patient H.O.'s mother didn't want the patient to lose nursing hours. Respondent states she did what she was told even though it was wrong.
9. Formal Charges were filed on February 8, 2019.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11 (1)(A),(1)(B)&(1)(D) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(C),(4),(6)(A)&(6)(H).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 223324, heretofore issued to EARNESTINE YVONNE SAYLES.

5. 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 AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** and RESPONDENT'S license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

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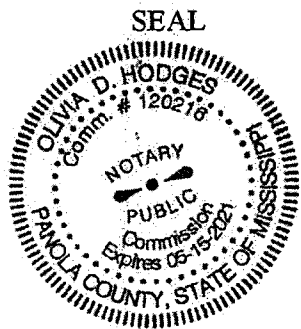
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this 24 day of May, 2019.
Earnestine Yvonne Sayles
EARNESTINE YVONNE SAYLES, Respondent

Sworn to and subscribed before me this 24 day of May, 2019.



[Signature]
Notary Public in and for the State of MS
Exp. Date: 5/15/2021

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of May, 2019, by EARNESTINE YVONNE SAYLES, Vocational Nurse License Number 223324, and said Agreed Order is final.

Effective this 25th day of July, 20 19.



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