



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
Vocational Nurse License Number 229763 §
issued to NAKITA LARIO BURNETT §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NAKITA LARIO BURNETT, Vocational Nurse License Number 229763, 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)(1),(10),(12)&(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 September 10, 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 suspended status.
4. Respondent received a Certificate in Vocational Nursing from Dallas Nursing Institute - Vocational Nursing, Dallas, Texas, on July 23, 2010. Respondent was licensed to practice vocational nursing in the State of Texas on September 7, 2010.
5. Respondent's nursing employment history includes:

9/2010 – 6/2014 Unknown

Respondent's nursing employment history continued:

7/2014 – 3/2015	LVN	Pediatric Group Home Unknown
4/2015	LVN	Country View Manor Terrell, Texas
5/2015 – 7/2017	LVN	Kemp Care Kemp, Texas
8/2017 – 11/2017	LVN	Daybreak Venture, LLC Denton, Texas
12/2017 – Unknown		
Unknown – 3/2019	LVN	Christian Care Center Mesquite, Texas
4/2019 – Present	Unknown	

6. On or about December 10, 2018, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the December 10, 2018, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Christian Care Center, Mesquite, Texas.
8. On or about January 29, 2019, through March 18, 2019, while employed as a Licensed Vocational Nurse with Christian Care Center, Mesquite, Texas, Respondent withdrew thirty (30) Hydrocodone 10/325mg tablets and eight (8) Hydrocodone 5/325mg tablets from the medication dispensing system for Patient JD, Patient DK, and Patient EJ, but failed to document and/or accurately and completely document the administration of the medication in the patients' Medication Administration Record (MAR) and/or Nurses' Notes. Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
9. On or about January 29, 2019, through March 18, 2019, while employed as a Licensed Vocational Nurse with Christian Care Center, Mesquite, Texas, Respondent withdrew thirty (30) Hydrocodone 10/325mg tablets and eight (8) Hydrocodone 5/325mg tablets from the medication dispensing system for Patient JD, Patient DK, and Patient EJ, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to

deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

10. On or about March 10, 2019, Respondent became noncompliant with the Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on December 10, 2018. Noncompliance is the result of Respondent's failure to return the items necessary to initiate participation in the Texas Peer Assistance Program for Nurses (TPAPN) within the required time frame. Additionally, on May 22, 2019, Respondent produced a hair follicle specimen for a drug screen that resulted positive for amphetamines and opiates. Section I, Stipulation B of the Agreed Order dated December 10, 2018, states:

“(B) Within ninety (90) days following the effective date of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process...”

On or about June 10, 2019, Respondent was dismissed from TPAPN and referred back to the Board after she was granted an extra ninety (90) days to complete the enrollment process.

11. On or about May 23, 2019, Respondent lacked fitness to practice professional nursing in that Respondent completed a neuropsychological evaluation with Nicole Keehn, RN, MS(N), PsyD. who indicated Respondent did not seem to possess judgement and ethical characteristic requirements for safe practice of nursing at this time. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in conditions, and could have affected her ability to make rational, accurate and appropriate assessments, judgements and decisions regarding patient care, thereby placing patients in potential danger.
12. Respondent denies any violation of the Nursing Practices Act or the Texas Controlled Substances Act. Respondent, in response to paragraph 8 herein, states that any failure to completely document administration of medications prescribed on an as needed basis was due to understaffing of professional staff and her other responsibilities related to patient care on those shifts. Respondent, on those occasions, would make a note to pass along this information in her report to the oncoming nursing staff of the medication administration. As needed medications were not available to be obtained earlier than prescribed times due to the automated dispensing machines being utilized at Christian Care Center. As to the allegations in paragraph 10 related to the Texas Peer Assistance Program, Respondent was unable financially to make full payment to enter the Program. Respondent notified her case manager and requested that the payment be allowed to be made in two installments. Respondent's understanding is that this request was denied. Respondent complied with the Order by cooperating with the neuropsychological evaluation and seeking employment that would satisfy the Program's requirements. Respondent understands that her enrollment

was not complete, but relates this to the financial obligation that she was not able to comply with.

13. Formal Charges were filed on July 8, 2019. Respondent's license was temporarily suspended on July 8, 2019.
14. Respondent by her signature expresses her desire to voluntarily surrender the license.

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)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(5),(6)(G),(8),(10)(C),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 229763, heretofore issued to NAKITA LARIO BURNETT.
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

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 229763 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself/himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. At least one (1) year has elapsed from the date of this Order; and
 - B. RESPONDENT has objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. 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 becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. 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.

Signed this 30 day of September 2019.

[Signature]
NAKITA LARIO BURNETT, RESPONDENT

Sworn to and subscribed before me this 30 day of September 2019.

SEAL

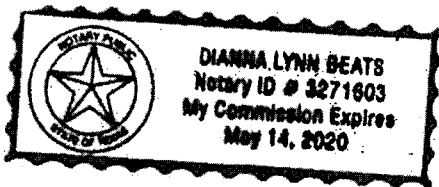
Dianna Lynn Beats

Notary Public in and for the State of Texas

Approved as to form, and ~~substance~~.

[Signature]
Rob Wright, Attorney for Respondent

Signed this 2 day of October 2019.



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 30th day of September, 2019, by NAKITA LARIO BURNETT, Vocational Nurse License Number 229763, and said Agreed Order is final.

Effective this 7th day of October, 2019.



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



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
Vocational Nurse License Number 229763 §
issued to NAKITA LARIO BURNETT §
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On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NAKITA LARIO BURNETT, Vocational Nurse License Number 229763, 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),(12)&(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 October 30, 2018.

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 current status.
4. Respondent received a Certificate in Vocational Nursing from Dallas Nursing Institute - Vocational Nursing, Dallas, Texas, on July 23, 2010. Respondent was licensed to practice vocational nursing in the State of Texas on September 7, 2010.
5. Respondent's nursing employment history includes:

9/2010 – 6/2014	Unknown	
7/2014 – 3/2015	LVN	Pediatric Group Home Unknown

Respondent's nursing employment history continued:

4/2015	LVN	Country View Manor Terrell, Texas
5/2015 – 7/2017	LVN	Kemp Care Kemp, Texas
8/2017 – 11/2017	LVN	Daybreak Venture, LLC Denton, Texas
12/2017 – Present	Unknown	

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Daybreak Venture, LLC, Denton, Texas, and had been in that position for three (3) months.
7. On or about November 27, 2017, while employed as a Licensed Vocational Nurse with Daybreak Venture, LLC, Denton, Texas, Respondent lacked fitness to practice nursing in that she exhibited signs of impaired behavior while on her way to work, in that she was arrested by the Mesquite Police Department (MPD), Mesquite, Texas, for Driving While Intoxicated (DWI) and told them she was on her way to work. Furthermore, MPD officers noticed Respondent's speech was slurred and she had an unsteady gait. Additionally, MPD collected a blood specimen from Respondent, which returned positive for Hydrocodone. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. In response to Finding of Fact Number Seven (7), Respondent states on the night of the incident she did not have slurred speech or an unsteady gait, and that she had a prescription for Hydrocodone and Tylenol #3, which she tried to explain to the officer.
9. Formal Charges were filed on October 5, 2018.
10. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 229763, heretofore issued to NAKITA LARIO BURNETT.
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.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

- A. Within forty-five (45) days following the effective date of this Order, RESPONDENT SHALL apply to TPAPN.
- B. Within ninety (90) days following the effective date of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse.
- C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas in current status.

- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and Respondent 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, RESPONDENT 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 Agreed Order.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT 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 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.

In order to receive credit for completion of this/these course(s), RESPONDENT 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. RESPONDENT 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.*

IV. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'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, RESPONDENT may be eligible for nurse licensure compact privileges if any.

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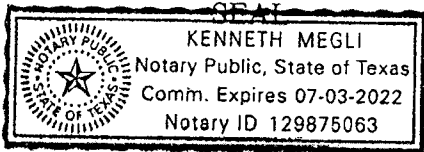
RESPONDENT'S CERTIFICATION

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. 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.

Signed this 5th day of December, 2018.

NAKITA LARIO BURNETT
NAKITA LARIO BURNETT, Respondent

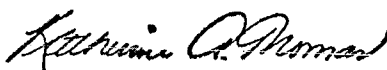
Sworn to and subscribed before me this 5 day of Dec, 2018.



Kenneth Megli
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5th day of December, 2018, by NAKITA LARIO BURNETT, Vocational Nurse License Number 229763, and said Agreed Order is final.

Effective this 10th day of December, 2018.



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