

BEFORE THE TEXAS BOARD OF NURSING

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|  |   |              |
|--|---|--------------|
| In the Matter of                       | § | AGREED ORDER |
| Vocational Nurse License Number 327012 | § |              |
| issued to TONIA DAVIS FREEMAN          | § |              |
|  | § |              |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TONIA DAVIS FREEMAN, Vocational Nurse License Number 327012, 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)(8), 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 February 24, 2020.

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 Sowela Technical Institute, Lake Charles, Louisiana, on May 4, 2007. Respondent was licensed to practice vocational nursing in the State of Texas on August 7, 2015.
5. Respondent's nursing employment history includes:

|                  |         |
|------------------|---------|
| 8/2015 – 12/2018 | Unknown |
|------------------|---------|

Respondent's nursing employment history continued:

1/2019 - Present

LVN

Focus Care at Allenbrook  
Baytown, Texas

6. On or about November 6, 2015, Respondent's Louisiana practical nurse license was Revoked by the Louisiana State Board of Practical Nurse Examiners, Metairie, Louisiana. A copy of the Findings of Fact, Conclusions of Law, and Order issued by the Louisiana State Board of Practical Nurse Examiners on November 6, 2015, is attached and incorporated, by reference, as part of this Order.
7. 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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 327012, heretofore issued to TONIA DAVIS FREEMAN.
4. 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.
5. 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](http://www.bon.texas.gov/compliance).*

### IV. 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.

### V. 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) and/or privilege(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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CONTINUED ON NEXT PAGE.

**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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or 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 24<sup>th</sup> day of March, 2020.

Tonia Davis Freeman  
TONIA DAVIS FREEMAN, RESPONDENT

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

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 24th day of March, 2020, by TONIA DAVIS FREEMAN, Vocational Nurse License Number 327012, and said Agreed Order is final.

Effective this 31st day of March, 2020.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS  
131 AIRLINE DRIVE, SUITE 301  
METAIRIE, LOUISIANA 70001-6266  
(504) 838-5791  
FAX (504) 838-5279  
www.lsbpne.com

In the matter of:

**Tonia Freeman - respondent**  
**License #270909**

This cause having come to be heard at a formal hearing conducted at the board office on July 8, 2015 at 1:30 p.m. upon the complaint filed in this matter.

1. The respondent was present and did give sworn testimony. The respondent was represented by Ronald Richard, Esq., who was present at the hearing.
2. The following witnesses were called to testify by the board:
  - Irish Washington Taylor, LPN
  - Rebecca J. Sink, RN
  - Brenda L. DeBarge, LPN
  - Jodi L. Stickney
  - Brian Heinen, M.D., MRO (Via telephone)

The hearing officer found the witnesses to be credible.

3. Exhibits A through T, including Respondent's exhibits 1 through 2J, were admitted into evidence at the hearing. The hearing officer fully reviewed and considered all exhibits.
4. The hearing officer fully reviewed and considered the transcript of the hearing as prepared and certified by the court reporter, Dawn H. Hymel, CCR, who was present and recorded the hearing.

The hearing officer, having reviewed all evidence and testimony, and being fully advised in the premises, makes the following findings of fact and conclusions of law based on the entire record:

**FINDINGS OF FACT**

During the formal hearing process, the following facts were confirmed:

The hearing officer took into account the reason the respondent tested positive for cocaine on a pre-employment urine drug screen; and had to separate it from the respondent's defective practice issues. The respondent has had multiple jobs in which her nursing practice has been consistently defective. Examples of the respondent's defective practice issues were: No/poor documentation, carelessness, not following physician's



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orders, insubordination, signing that she had administered a medication and flushed a patient's peg tube when the syringe had never been open, and sleeping on duty. It was proven that the respondent gave multiple untruths as to her reasons for leaving her prior employments. She would either be terminated or quit on the spot. She even denied her criminal background to one employer.

**JURISDICTION**

The board has jurisdiction over the parties hereto and the subject matter hereof.

**CONCLUSIONS OF LAW**

Based on the facts set forth in the entire record and outlined herein above, the respondent is in violation of:

The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Nurses, Part II, Practical Nurses, Section 969 A. (4):

- (c) is unfit, or incompetent by reason of negligence habit, or other causes;
- (d) is habitually intemperate or is addicted to the use of habit forming drugs;
- (f) is guilty of unprofessional conduct;
- (g) has violated any provisions of this Part;

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

As further defined in 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;
- 4. being habitually intemperate or addicted to the use of habit-forming drugs;
- 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;
  - g. improper use of drugs, medical supplies, or patients' records;
  - i. falsifying records;

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- 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;
- p. inappropriate, incomplete or improper documentation;
- q. using or being under the influence of alcohol, while on duty, and/or while making application for employment, or using or being under the influence of drugs which impair judgment while on duty, or using or being under the influence of illegal drugs whether on or off duty;
- t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

**ORDER**

The matter of **Tonia Freeman, license #270909**, on **November 6, 2015** came on for final action by the Louisiana State Board of Practical Nurse Examiners.

**NOW THEREFORE, IT IS ORDERED**, that the license of the respondent, **Tonia Freeman, license #270909** be **REVOKED**. Revocation is permanent. The licensee can never again practice as a practical nurse in the state of Louisiana.

1. The respondent is hereby fined \$500.00, **payable by money order or cashier's check only**, for the violations detailed in the conclusions of law, and due within **90 days** of the date of this order.
2. A hearing assessment fee of \$500.00, **payable by money order or cashier's check only**, is to be submitted to the board within **90 days** of the date of this order.
3. The respondent shall return his/her current practical nursing license to the board office within **ten (10) days** of the date of this order.

**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.

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Rendered this 6th day of November, 2015 and signed this 6th day of November, 2015 at Metairie, Louisiana.

*Myron L. Collins LPN*

MYRON COLLINS, LPN  
CHAIRMAN OF THE BOARD

*M. Lynn Ansardi RN*

M. LYNN ANSARDI, RN  
EXECUTIVE DIRECTOR

Mailed this 6th day of November, 2015, by U.S. postal service certified mail return receipt #7015 1730 0001 8796 8652 and regular mail to the following address:

Tonia Freeman  
P.O. Box 374  
Lake Charles, LA 70602