



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.
Stephanie O'Hanrahan
Executive Director of the Board

**In the Matter of
Permanent Vocational Nurse
License Number 114831
Issued to EVELYNIA ROBERTS,
Respondent**

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

ORDER OF THE BOARD

TO: Evelynia Roberts
1105 Island Pk Blvd Apt 1018
Shreveport, LA 71105

During open meeting held in Austin, Texas, on December 8, 2020, 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 114831, previously issued to EVELYNIA ROBERTS to practice nursing in the State of Texas be, and the same is/are 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 December, 2020

TEXAS BOARD OF NURSING



BY: _____

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

Attachment: Formal Charges filed June 4, 2020

d17r(2020.11.17)

Re: Permanent Vocational Nurse License Number 114831
Issued to EVELYNIA ROBERTS
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 24 day of December, 2020, 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,
Copy Via USPS First Class Mail

Evelynia Roberts
1105 Island Pk Blvd Apt 1018
Shreveport, LA 71105

BY: _____



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

**In the Matter of
Permanent Vocational Nurse
License Number 114831
Issued to EVELYNIA ROBERTS,
Respondent**

**§ BEFORE THE TEXAS
§
§
§ BOARD OF NURSING
§**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, EVELYNIA ROBERTS, is a Vocational Nurse holding license number 114831 which is in current 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 13, 2020, Respondent's Louisiana practical nurse license was probated for no less than one (1) year through an Order issued by the Louisiana State Board of Practical Nurse Examiners, Metairie, Louisiana. A copy of the Louisiana State Board of Practical Nurse Examiners' Order dated March 13, 2020, 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) and/or privilege(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.

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.

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CONTINUED ON NEXT PAGE.

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.

Filed this 4th day of June, 2020.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Deputy General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 24036103

Helen Kelley, Assistant General Counsel
State Bar No. 24086520

Brian L. Miller, Jr., Assistant General Counsel
State Bar No. 24117478

JoAnna Starr, Assistant General Counsel
State Bar No. 24098463

Jacqueline A. Strashun, Assistant General Counsel
State Bar No. 19358600

John Vanderford, Assistant General Counsel
State Bar No. 24086670

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

P: (512) 305-8657

F: (512) 305-8101 or (512) 305-7401

D(2020.05.29)

LOUISIANA STATE BOARD OF PRACTICAL NURSE EXAMINERS
131 AIRLINE DRIVE, SUITE 301
METAIRIE, LOUISIANA 70001-8266
(504) 838-5791
FAX (504) 838-5279
www.lsbpe.com

In the matter of: Everline Roberts
License #860221
D.O.B. 01/31/1951

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the undersigned hearing officer on November 21, 2019. The nature of the hearing was prosecution of the matter.

The following witnesses were called to testify on behalf of the board:

- Terri Fisher, RN, ADON – Highland Place

The respondent was present to give sworn testimony.

The respondent was represented by Elizabeth Bagart Carpenter, ESQ.

No witnesses were called to testify on behalf of the respondent.

The Board, having reviewed the entire record, including all pleadings, exhibits entered into evidence, the Findings of Fact, Conclusions of Law and Recommendations of the Hearing Officer, adopts the Findings of Fact and Conclusions of Law of the Hearing Officer and finds:

FINDINGS OF FACT

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on June 7, 1986.
2. The respondent was employed as a licensed practical nurse with Highland Place on January 27, 2011. On or about January 30, 2019, the respondent was observed on video surveillance using undue force to physically restrain a resident to cut their nails. The resident sustained bruising. The respondent was terminated from the facility.

The respondent IS guilty of using undue force to physically restrain a resident when cutting their nails, but she does not believe that the respondent intentionally tried to harm the patient. She has been licensed since 1986 and has never received any other counselings or warnings nor has she been before this board.

JURISDICTION

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

Everline Roberts
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CONCLUSIONS OF LAW

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

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

- (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.

2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Sections § 306 T.

- 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;
 - t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.

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ORDER

The matter of Everline Roberts, License #860221, on March 13, 2020, 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, Everline Roberts, License #860221, be **PROBATED** for no less than one (1) year.

During this probationary period:

1. **License:**
 - A. The license of the respondent will be reported as being **"PROBATED"**.
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).
3. **Notify board of change of address/telephone number:**
 - A. The respondent shall notify the board in writing within ten (10) days of any change in personal address or telephone number.
4. **Fines/Fees:**
 - A. The respondent is hereby fined \$1,000.00, 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 the board order.
 - B. The respondent is hereby assessed a hearing assessment fee of \$1,000.00, payable by cashier's check or money order only, within 90 days of the date of the board order.
 - C. The respondent is to submit a \$750.00 annual probation monitoring fee, payable by cashier's check or money order only.

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- D. The probation monitoring fee is due within three (3) months of receiving a probated license and annually thereafter until the probation is satisfactorily completed.
- E. Failure to pay these fines/fees in the time allotted will result in the immediate suspension of the respondent's practical nursing license.

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 the board order/consent 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.
- 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.

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- 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.
- I. The respondent shall notify the board in writing within ten (10) days of any change in employment. Changes in employment include accepting a new job, as well as resignation, or termination.
- J. 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 must take and satisfactorily complete board approved courses in the following areas: Nursing Care of the Elderly; Patient Safety and Skin and wound care. Evidence of completion of the course(s) is due in the board office within ninety (90) days of the date of the board order.

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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.

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.

Rendered this 13th day of March, 2020 and signed this 13th day of March, 2020 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 13th day of March, 2020, by U.S. postal service certified mail return receipt #7019 2280 0000 5596 0477 and regular mail to the following address:

Everline Roberts
1105 Island Park Blvd Apt. #1018
Shreveport, LA 71105