



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 |
| Registered Nurse License Number 745586 | § | |
| & Vocational Nurse License Number 205550 | § | |
| issued to JOANN VIOLET BYRD | § | |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JOANN VIOLET BYRD, Registered Nurse License Number 745586, and Vocational Nurse License Number 205550, 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 May 5, 2021.

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 delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from McLennan Community College, Waco, Texas, on August 11, 2006. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 3, 2007. Respondent was licensed to practice vocational nursing in the State of Texas on August 31, 2006. Respondent was licensed to practice professional nursing in the State of Texas on August 2, 2007.

5. Respondent's nursing employment history includes:

| | | |
|-------------------|---------|---|
| 08/2006 – 04/2007 | Unknown | |
| 05/2007 – 04/2008 | RN | Hillcrest Baptist Medical Center – Waco, Texas |
| 05/2008 – 06/2009 | RN | Orlando Health Arnold Palmer Hospital for Children ER Orlando, Florida |
| 06/2009 – 10/2012 | RN | Tomball Regional Medical Center – Tomball, Texas |
| 10/2012 – 11/2016 | RN | St. Luke's Hospital at the Vintage – Tomball, Texas |
| 11/2016 – 05/2017 | RN | Adeptus Health – First Choice ER – Houston, Texas |
| 05/2017 – Unknown | RN | Houston Methodist the Woodlands The Woodlands, Texas |
| 02/2018 – 08/2019 | RN | HCA Houston Healthcare Tomball – Tomball, Texas |
| 09/2019 – Present | Unknown | |

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with HCA Houston Healthcare Tomball, Tomball, Texas, and had been in that position for one (1) year and four (4) months.
7. On or about June 29, 2019, while employed as a Registered Nurse with HCA Houston Healthcare Tomball, Tomball, Texas, Respondent lacked fitness to practice nursing in that she exhibited signs of impaired behavior while on duty, including: walking and moving slowly, having shaky hands, seeming sluggish and uncoordinated, and having droopy eyes. 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. On or about December 12, 2020 and January 19, 2021, while employed as a Registered Nurse with CHI St. Luke's - The Vintage Hospital, Houston, Texas, Respondent lacked

fitness to practice nursing in that she exhibited signs of impaired behavior while on duty, including, but not limited to: slow gait, delayed reactions, having a flat affect, lethargic, and impaired speech. Additionally, after questioning, Respondent admitted to taking medication to help with sleeping and SHE acknowledged SHE should not have come to work. 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.

9. In response to Finding of Fact Number Seven (7), Respondent states she had been sedated with Propofol and Versed as part of a routine colonoscopy on June 28, 2019. She states she was released in the afternoon and took her valid medications that evening. She states she believes that the Propofol and the Versed adversely and unintentionally affected her given that she has taken all her valid prescriptions on a nightly basis and they have never affected her ability to practice. Respondent states the only medications she tested positive for were those she had valid prescriptions
10. On February 19, 2020 and February 20, 2020, Respondent underwent a Chemical Dependency Evaluation performed by Joyce M. Gayles, PhD. Dr. Gayles advised Respondent showed a low probability of a substance use disorder. Dr. Gayles states Respondent is prescribed several powerful psychotropic medications for the treatment of PTSD, Bi-Polar Disorder, and her insomnia that is likely associated with the arousal symptoms of PTSD. Dr. Gayles states it seems likely that Respondent has developed a psychological dependence on the drugs that are the primary treatment modality for her PTSD and insomnia for the past several years and recommends Respondent should remain under the care of her psychiatrist for the management of her medications. Dr. Gayles also recommends Respondent participate in regular sessions of psychotherapy with a therapist who specializes in the treatment of PTSD. Without therapy specific to PTSD, Respondent is likely to remain symptomatic despite her medication regimen.
11. Formal Charges were filed on July 14, 2020.
12. 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)&(1)(T), 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 Registered Nurse License Number 745586, and Vocational Nurse License Number 205550, heretofore issued to JOANN VIOLET BYRD.
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. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that Registered Nurse License Number 745586, and Vocational Nurse License Number 205550, previously issued to JOANN VIOLET BYRD, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. **Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee 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;**
- B. Is **cleared to safely practice as a nurse** based on a fitness evaluation, as may be required by TPAPN; and
- C. **Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.**

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully

complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL submit an application for licensure renewal/reactivation, as applicable, and pay all re-registration fees, if any, and RESPONDENT'S licensure status in the State of Texas will be activated and updated to current status and to reflect the applicable conditions outlined herein.
- E. RESPONDENT SHALL **comply with all requirements of the TPAPN participation agreement** during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to **notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.**
- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- I. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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 suspension being stayed, 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. 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.

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. 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 allegation through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. Implementation of 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 action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Government 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 non-compliance.

Signed this 17 day of May, 2011

JOANNE VIOLET BYRD
JOANNE VIOLET BYRD, RESPONDENT

Sworn to and subscribed before me this _____ day of _____, 2011

SEAL

Notary Public in and for the State of _____

Approved as to form and substance

Alejandro Mora
Alejandro Mora, Attorney for Respondent

Signed this 24 day of May, 2011

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 17th day of May, 2021, by JOANN VIOLET BYRD, Registered Nurse License Number 745586, and Vocational Nurse License Number 205550, and said Agreed Order is final.

Effective this 26th day of May, 2021.

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

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