BOARD OF NURSING TEXAS
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.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§
DAKOTA BAYARD,	§
Registered Nurse License Number 951375	§

ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DAKOTA BAYARD, Registered Nurse License Number 951375, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice as a professional nurse in the State of Texas is in current status.

2. Respondent waived notice and hearing, and agreed to the entry of this Order.

3. Respondent received a master's in nursing from Johns Hopkins University, Baltimore, Maryland, on May 22, 2018. Respondent was licensed to practice professional nursing in the State of Texas on August 7, 2018.

4. Respondent's nursing employment history includes:

08/2018-12/2020	RN	Houston Methodist Willowbrook Hospital Cypress, Texas

Respondent's nursing employment history continued:

01/2021-Present	Unknown

5. On or about November 24, 2021, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the November 24, 2021, Order is attached and incorporated herein by reference as part of this Order.

6. On December 6, 2021, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas in lieu of completing the Order. A copy of Respondent's statement, dated December 6, 2021, is attached and incorporated herein by reference as part of this Order.

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 §217.12(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 951375, heretofore issued to DAKOTA BAYARD, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

TERMS OF ORDER

NOW, THEREFORE, IT IS ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 951375 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

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

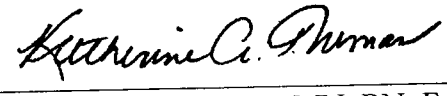
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:

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

Effective this 6th day of December, 2021



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

Werley, Christen

From: Dakota Cashmere <dakotabayardrn@gmail.com>
Sent: Monday, December 6, 2021 7:24 AM
To: Werley, Christen
Subject: Re: Requesting appointment with you?

As of this date, I hereby surrender my nursing license.
Signed on 12/6/21
Dakota Bayard

BEFORE THE TEXAS BOARD OF NURSING
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In the Matter of Registered Nurse License Number 951375 issued to DAKOTA BAYARD	§ § § §	CONFIDENTIAL AGREED ORDER FOR PEER ASSISTANCE

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DAKOTA BAYARD, Registered Nurse License Number 951375, 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)(9),(10)&(12), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Confidential Agreed Order for Peer Assistance approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 27, 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 Confidential Agreed Order for Peer Assistance.

3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.

4. Respondent received a master's in nursing from Johns Hopkins University, Baltimore, Maryland, on May 22, 2018. Respondent was licensed to practice professional nursing in the State of Texas on August 7, 2018.

5. Respondent's nursing employment history includes:

8/2018-12/2020	RN	Houston Methodist Willowbrook Hospital, Cypress, Texas
01/2021-Present	Unknown	

6. On or about December 10, 2020, while employed as a Registered Nurse with Houston Methodist Willowbrook Hospital, Cypress, Texas, Respondent may have lacked fitness to practice nursing in that she admitted to attempting to self-harm. Respondent was subsequently evaluated and not cleared to return to work and referred to the Texas Peer Assistance Program for Nurses, where on or about February 26, 2021, Respondent submitted a specimen for a drug screen that produced a positive result for Ethyl Glucuronide (54,500ng/mL) and Ethyl Sulfate (9510 ng/mL), both metabolites of alcohol.

7. In response to Finding of Fact Number Six (6), Respondent states she went to the emergency department for a small laceration on her wrist that required three (3) stitches. She was seen by the ED's mental health professional, and then cleared for discharge. Respondent states she let her nurse manager know the details of what had happened, that she had not been attempting to commit suicide, but that she deliberately cut herself in the area of her wrist and cut it more deeply than intended. Respondent states while participating in TPAPN, she was returning from a visit and had two (2) glasses of wine at the airport. Respondent states she was not aware that she would be testing for alcohol. Respondent states the evaluation she received from Dr. Kevin Weatherly, had significant mistakes, including one that stated she was seen in the ED for psychiatric treatment, which was patently and near negligently, false. Respondent states she felt like the substance abuse emphasis of the program was overshadowing the mental health aspect. Respondent states she has been seeing a therapist every two (2) weeks, and intends to continue therapy.

8. 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)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(4),(5)(10)(A)&(10)(D).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 951375, heretofore issued to DAKOTA BAYARD.

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. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.

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 Confidential Agreed Order for Peer Assistance.

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. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should RESPONDENT fail to successfully complete the terms of this Order or should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

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 Confidential Agreed Order for Peer Assistance, 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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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 23 day of November 2021.

DAKOTA BAYARD, RESPONDENT

Sworn to and subscribed before me this 23rd day of November, 2021.

SEAL

TAMEECA WILLIAMS
Notary ID #131094242
My Commission Expires
May 3, 2029

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 Confidential Agreed Order for Peer Assistance that was signed on the 23rd day of November, 20 21, by DAKOTA BAYARD, Registered Nurse License Number 951375, and said Confidential Agreed Order for Peer Assistance is final.

Effective this 24th day of November, 20 21.

Katherine A. Thomas

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