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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Vocational Nurse License Number 313265 §
issued to EVE LAVETTE BIRDINE-EPPS §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of EVE LAVETTE BIRDINE-EPPS, Vocational Nurse License Number 313265, 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)(3)&(12), 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 20, 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 current status.
4. Respondent received a Certificate in Vocational Nursing from Platt College, Lawton, Oklahoma, on February 4, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on March 26, 2013.
5. Respondent's nursing employment history includes:

3/2013 – 8/21/2020 Unknown

Respondent's nursing employment history continued:

8/21/2020 - Present

LVN

Western Hills Nursing and
Rehab Covid Unit
Temple, Texas

6. On or about October 23, 2020, Respondent submitted a Texas Board of Nursing Online LVN Timely Renewal form in which she answered "Yes" to the questions:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal

A. been arrested and have any pending criminal charges?

B. been convicted of a Misdemeanor?

C. been convicted of a felony?

D. pled nolo contendere, no contest, or guilty?

E. received deferred adjudication?

F. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?

Respondent disclosed that on or about October 9, 2019, Respondent entered a plea of Guilty to BURGLARY OF HABITATION INTEND OTHER FELONY, a 1st Degree felony offense committed on April 7, 2019, in the 20th District Court of Milam County, Texas, under Cause No. CR26,407. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of five (5) years, and ordered to pay a fine and court costs.

7. In response to Findings of Fact Number Six (6), Respondent states at the time she had very low self-esteem and a low self-concept due to the years of abuse that she had previously experienced in her relationship. She was very depressed and suicidal and she was going to kill herself by gasoline and fire but she did not want to kill anyone else and she did not realize the damage it would cause to the property because she was not thinking clearly. She did not start a fire and she did not carry out the plan. She received deferred adjudication felony probation for 5 years for burglary of a habitation. Respondent indicates she has a long history of mental health issues. Respondent knows that her actions can prevent her from continue to working as a nurse but points out she has not been convicted of a felony. She is currently in counseling, taking medication, and under the care of a physician through MHMR.
8. Respondent by her signature expresses her desire to voluntary surrender the licenses.

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)(3)&(12), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 313265, heretofore issued to EVE LAVETTE BIRDINE-EPPS.
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.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 313265 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 at least one (1) year has elapsed from the date of this Order.
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 waive representation by counsel. 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.

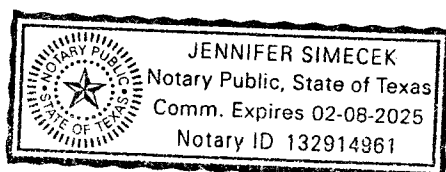
Signed this 18th day of January, 2022

Eve Lavette Birdine-Epps
EVE LAVETTE BIRDINE-EPPS, RESPONDENT

Sworn to and subscribed before me this 18 day of January, 2022.

SEAL

Jennifer Simecek
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 18th day of January, 2022, by EVE LAVETTE BIRDINE-EPPS, Vocational Nurse License Number 313265, and said Agreed Order is final.

Effective this 31st day of January, 2022.



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