

# BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of §  
TAWHANNA RICE, §  
Registered Nurse License Number 628901 §  
& Vocational Nurse License Number 150870 §  
§

## ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TAWHANNA RICE, Registered Nurse License Number 628901, and Vocational Nurse License Number 150870, 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 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 delinquent status.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent received a Certificate in Vocational Nursing from Lamar State College-Port Arthur, Port Arthur, Texas, on December 16, 1994. Respondent received a from Lamar University-Beaumont, Beaumont, Texas, on May 1, 1996. Respondent was licensed to practice vocational nursing in the State of Texas on January 9, 1995. Respondent was licensed to practice professional nursing in the State of Texas on June 11, 1996.
4. Respondent's nursing employment history includes:

1/1995 - 5/1996

Unknown

Respondent's nursing employment history continued:

6/1996 – 12/1996	RN	Green Acres Parkdale Beaumont, Texas
12/1996 – 6/1997	RN	Jefferson County Correctional Facility Beaumont, Texas
6/1997 – 12/1997	RN	Beaumont Medical and Surgical Hospital Beaumont, Texas
12/1997 – 12/2000	RN	Green Acres Parkdale Beaumont, Texas
12/2000 – 6/2005	RN	Clairmont Nursing Home Beaumont, Texas
7/2005 – 11/2005	Unknown	
12/2005 – 2/2015	RN/House Supervisor	ETMC Carthage Carthage, Texas
3/2015 – 5/2018	Unknown	
6/2018 – 12/2018	RN	Briarcliff Skilled Nursing Facility Carthage, Texas
12/2018 – 5/2019	RN	Panola Care Rehabilitation Cnt Carthage, Texas
6/2019 – 7/2019	Unknown	
8/2019 – 10/2019	RN	Angels of Care Tyler, Texas
10/2019 – 2/2020	RN	At Home Health Care Tyler, Texas

5. On or about August 10, 2021, Respondent was issued the sanction of Warning with Stipulations through an Order of the Board. A copy of the August 10, 2021, Order is attached and incorporated herein by reference as part of this Order.

6. Formal Charges were filed on May 11, 2023. A copy of the Formal Charges, dated May 11, 2023, is attached and incorporated herein by reference as part of this Order.
7. On June 21, 2023, 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 June 15, 2023, 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 628901, and Vocational Nurse License Number 150870, heretofore issued to TAWHANNA RICE, 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 628901, and Vocational Nurse License Number 150870 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/himself 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 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.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.
4. 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 21<sup>st</sup> day of June, 2023



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

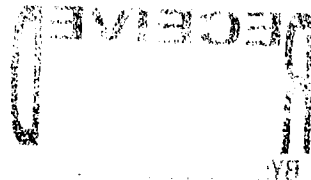
To Whom it may Concern  
CO: TAMIKA ~~ROSEN~~

After Careful Consideration  
I Tawhanna Rice have made  
the decision to retire from  
Nursing and Voluntarily Surrender  
my Texas Nursing License(s)  
RN #628901 and LVN 150870, I  
whole heartedly denie violating any  
Nurse practice act however I am  
unable to complete the agreed upon  
terms as I am not returning to  
work.

Thank you

Sincerely

Tawhanna Rice.



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<b>In the Matter of</b>	§
<b>Permanent Registered Nurse</b>	§ <b>BEFORE THE TEXAS</b>
<b>License Number 628901 &amp;</b>	§
<b>Permanent Vocational Nurse</b>	§
<b>License Number 150870</b>	§ <b>BOARD OF NURSING</b>
<b>Issued to TAWHANNA RICE, Respondent</b>	§

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TAWHANNA RICE, is a Registered Nurse holding license number 628901, which is in delinquent status at the time of this pleading. Further, Respondent is a Vocational Nurse holding license number 150870, which is in delinquent 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 September 10, 2021, Respondent failed to successfully complete the Board's online course, "Understanding Board Orders", as required by Section III of the Agreed Order issued to Respondent on August 10, 2021.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

#### **CHARGE II.**

On or about August 10, 2022, Respondent failed to successfully complete a Board approved course in Texas nursing jurisprudence and ethics as required by Section IV, Part A, of the Agreed Order issued to Respondent on August 10, 2021.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

#### **CHARGE III.**

On or about August 10, 2022, Respondent failed to successfully complete the course Sharpening Critical Thinking Skills as required by Section IV, Part B, of the Agreed Order issued to Respondent on August 10, 2021.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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](http://www.bon.texas.gov).

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](http://www.bon.texas.gov).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated August 10, 2021.

Filed this 11th day of May, 2023.

TEXAS BOARD OF NURSING



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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  
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JoAnna Starr, Assistant General Counsel  
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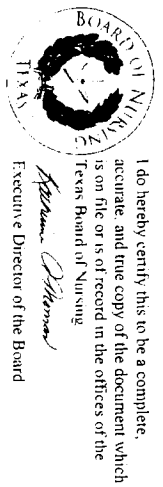
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Austin, Texas 78701  
P: (512) 305-8657  
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Attachment(s): Order(s) of the Board dated August 10, 2021.





BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 628901	§	
& Vocational Nurse License Number 150870	§	
issued to TAWHANNA RICE	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TAWHANNA RICE, Registered Nurse License Number 628901, and Vocational Nurse License Number 150870, 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)&(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 April 29, 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. 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 Lamar State College, Port Arthur, Texas, on December 16, 1994. Respondent received an Associate Degree in Nursing from Lamar Institute of Technology, Beaumont, Texas, on May 1, 1996. Respondent was licensed to practice vocational nursing in the State of Texas on January 9, 1995. Respondent was licensed to practice professional nursing in the State of Texas on June 11, 1996.

5. Respondent's nursing employment history includes:

1/1995 – 5/1996	Unknown	
6/1996 – 12/1996	RN	Green Acres Parkdale Beaumont, Texas
12/1996 – 6/1997	RN	Jefferson County Correctional Facility Beaumont, Texas
6/1997 – 12/1997	RN	Beaumont Medical and Surgical Hospital Beaumont, Texas
12/1997 – 12/2000	RN	Green Acres Parkdale Beaumont, Texas
12/2000 – 6/2005	RN	Clairmont Nursing Home Beaumont, Texas
7/2005 – 11/2005	Unknown	
12/2005 – 2/2015	RN/House Supervisor	ETMC Carthage Carthage, Texas
3/2015 – 5/2018	Unknown	
6/2018 – 12/2018	RN	Briarcliff Skilled Nursing Facility Carthage, Texas
12/2018 – 5/2019	RN	Panola Care and Rehabilitation Center Carthage, Texas
6/2019 – 7/2019	Unknown	
8/2019 – 10/2019	RN	Angels of Care Tyler, Texas
10/2019 – 2/2020	RN	At Home Health Care Tyler, Texas

Respondent's nursing employment history continued:

3/2020 – Present

RN

Angels of Care  
Tyler, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with At Home Health Care, Tyler, Texas, and had been in that position for four (4) months.
7. On or about February 13, 2020 while employed as a private duty Registered Nurse with At Home Health Care, Tyler, Texas, Respondent lacked fitness to practice nursing in that she fell asleep while holding 19-month old Patient EM and almost dropped the child. 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. In response to Finding of Fact Number Seven (7), Respondent states that she had just switched from nights to days and while firmly and securely holding the child she momentarily dozed off but immediately regained full awareness.

#### 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).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 628901, and Vocational Nurse License Number 150870, heretofore issued to TAWHANNA RICE.
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.

#### TERMS OF ORDER

##### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. 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. UNDERSTANDING BOARD ORDERS**

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

## **IV. 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. **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.
- B. **The course "Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

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).*

#### V. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as

appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Indirect Supervision:** RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

## VI. 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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**RESPONDENT'S CERTIFICATION**

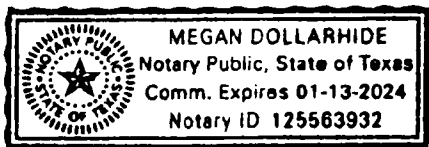
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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 30 day of June, 2021

Tawhanha Rice  
TAWHANNA RICE, RESPONDENT

Sworn to and subscribed before me this 30 day of June, 2021.

SEAL



Meg Dollarhide  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 30<sup>th</sup> day of June, 2021, by TAWHANNA RICE, Registered Nurse License Number 628901, and Vocational Nurse License Number 150870, and said Agreed Order is final.

Effective this 10<sup>th</sup> day of August, 2021.

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