



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 BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse §
License Number 151279 § **AGREED**
issued to TWAYNA LYNN BATISTE § **ORDER**

On this day the Board of Nurse Examiners for the State of Texas, hereinafter refer to as the Board, considered the matter of TWAYNA LYNN BATISTE, Vocational Nurse License Number 151279, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on April 6, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice vocational nursing in the State of Texas is currently in suspended status.
4. Respondent received a Certificate in Vocational Nursing from Kingwood College, Kingwood, Texas, on December 15, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on February 7, 1995.

5. Respondent's complete vocational nursing employment history is unknown.
6. On or about June 10, 2002, Respondent's license to practice vocational nursing was suspended by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the June 10, 2002, Agreed Board Order is attached and incorporated, by reference, as part of this Order.
7. Respondent submitted a letter dated November 3, 2006, written by L.R. Davis, M.D., Harris County Hospital District, Houston, Texas. Dr. Davis states that Respondent is physically able to return to nursing.
8. Respondent submitted a letter dated December 8, 2006, written by Liliana Miranda, M.D., Psychiatrist, Harris County Hospital District, Houston, Texas. Dr. Miranda states that Respondent has been in psychiatric treatment at the Harris County Hospital District, Northwest Clinic, Houston, Texas, for the past year. Respondent has been compliant with her medications and treatment and has been in a stable condition. Dr. Miranda states that Respondent needs to continue ongoing treatment.

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 of Section 301.452(b)(10)&(12), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against vocational nurse license number 151279, heretofore issued to TWAYNA LYNN BATISTE, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Vocational Nurse License Number 151279, previously issued to TWAYNA LYNN BATISTE, to practice vocational nursing in Texas is hereby suspended for a period of two

(2) years with the suspension stayed and Respondent is hereby placed on probation for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) The stipulations outlined and required herein SHALL supercede all previous stipulations required by any Order entered by the Board of Vocational Nurse Examiners.

(3) RESPONDENT SHALL successfully complete a nursing refresher course prior to returning to the practice of vocational nursing in the State of Texas. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course content shall include: 1) the role and scope of the vocational nurse; 2) a review of the nursing process to include focused assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard routes of administration; 5) documentation, ethical and legal implications for nursing practice; and 6) current CPR certification. This course must contain

a minimum of the clinical components as stated on the *Board's website at www.bne.state.tx.us* ("Forms" section: LVN-Six Month Temporary Permit), and provide direct patient care, which is to be supervised by another nurse. Upon receipt of verification that RESPONDENT has enrolled in a nursing refresher course, the RESPONDENT SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing the course. RESPONDENT SHALL NOT, in any way, attempt to use this limited permit for any purpose other than attending this course.

(4) Upon completion of the refresher course, RESPONDENT SHALL return the clinical permit to the office of the Board, and RESPONDENT SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of RESPONDENT's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, RESPONDENT SHALL pay all re-registration fees and be issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to TWAYNA LYNN BATISTE, shall be subject to the following agreed post-licensure stipulations:

(6) RESPONDENT SHALL, within one (1) year of entry of suspension stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of

practice, and 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 Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website: <http://www.bne.state.tx.us/about/stipscourses.html>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A LICENSED VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL PRACTICE SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH DURING THE TWO (2) YEAR PERIOD OF PROBATION. THE LENGTH OF PROBATION WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A VOCATIONAL NURSE LICENSE WILL NOT APPLY TO THIS PROBATION PERIOD.

(7) RESPONDENT SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order.

(8) RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(9) RESPONDENT SHALL be supervised by a Registered Nurse or 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 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.

(10) 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 vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a vocational nurse.

(11) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice vocational nursing. The

report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the probation period, or until RESPONDENT is dismissed from therapy, whichever occurs earlier.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

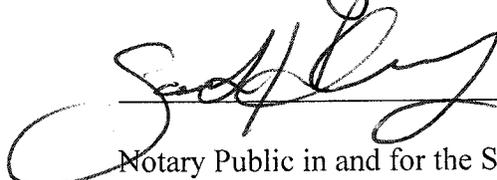
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 Board. When this Order is ratified, the terms of this Order become effective, 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 revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19 day of June, 2007.


TWAYNA LYNN BATISTE, Respondent

Sworn to and subscribed before me this 19 day of June, 2007.




Notary Public in and for the State of Texas.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 19th day of June, 2007, by TWAYNA LYNN BATISTE, Vocational Nurse License Number 151279, and said Order is final.

Effective this 19th day of July, 2007.



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

BOARD OF VOCATIONAL
NURSE EXAMINERS

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STATE OF TEXAS

VS.

TWAYNA LYNN BATISTE

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 151279 held by TWAYNA LYNN BATISTE, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent is lacking in fitness to practice as a vocational nurse because of a mental or physical health condition that could result in injury to a patient or the public, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (12). in the following manner:

I.

a. By letter dated October 24, 2001, the Board of Vocational Nurse Examiners received a referral from the Texas Peer Assistance Program for Nurses (TPAPN) alleging that they had been unable to locate Respondent.

II.

a. Respondent was employed as a Licensed Vocational Nurse with Harris County Hospital District in Houston, Texas from about June 26, 1995 through about January 22, 1999.

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RE: TWAYNA LYNN BATISTE, LVN #151279
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b. While so employed with said facility, Respondent was observed to be exhibiting unusual behavior while on duty. Respondent was initially assigned to the medical/surgical unit. On or about February 29, 1996, while on duty, Respondent became very confused, disoriented and was unable to answer questions placed to her. Respondent was taken by her employer to a therapist associated with the facility's Employee Assistance Program and she was subsequently hospitalized in a psychiatric facility.

c. Respondent resumed her nursing duties in the med/surg unit after her doctor released her to return to work. However, Respondent was once again hospitalized in a psychiatric facility from about July 6, 1996 through about July 19, 1996. She was released to return to work on July 20, 1996 and notified her employer that she had been hospitalized. Respondent requested that she be transferred to a position that did not require nursing duties as she feared harming someone or making a mistake. From about July 24, 1996 through about September 10, 1996, Respondent was, again, granted a medical leave of absence due to her inability to perform her work duties. Upon her return, Respondent transferred to the facility's laboratory so that she would not be in direct contact with patients.

d. Respondent's supervisor at the laboratory observed her to be exhibiting unusual behavior. Respondent also acknowledged that she was non-compliant with taking her medication. Respondent took another medical leave of absence from about June 1, 1998 through about September 8, 1998. On or about January 22, 1999, Respondent resigned her employment with the facility and subsequently was employed by a nursing agency. On or about September 2001, the Director of the Med/Surg unit discovered that Respondent had been working in that area as an agency nurse. Upon inquiry, the Director was informed that Respondent was observed to be exhibiting unusual behavior and that staff was concerned over Respondent's ability to care for patients. The Director subsequently contacted the agency at which Respondent was employed, requesting that Respondent not work for the facility again. Respondent was subsequently observed by her previous lab supervisor at the facility's employment office requesting a job application. Respondent was observed to be disheveled and appeared to be ill. The facility then referred Respondent to TPAPN.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

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RE: TWAYNA LYNN BATISTE, LVN #151279
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By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED that license number 151279, heretofore issued to TWAYNA LYNN BATISTE to practice vocational nursing in the State of Texas be, and the same is hereby Suspended until such time as Respondent provides the Board office with a satisfactory report from his/her physician, and psychiatrist, stating that Respondent is deemed medically and psychologically fit to carry out the duties and responsibilities for a Licensed Vocational Nurse. Upon receipt of said satisfactory physician's/psychiatrist's statement the suspension of said license shall be automatically lifted and the license reinstated, without stipulations.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the _____ day of _____, 2002.

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RE: TWAYNA LYNN BATISTE, LVN #151279
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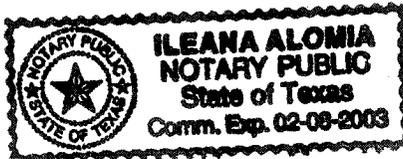
Twayna Batiste
Signature of Respondent
10438 Barnham
Current Address
Houston, TX 77016
City, State and Zip
512 1231-1132
Area Code and Telephone Number

The State of Texas
County of Harris

Before me, the undersigned authority, on this day personally appeared TWAYNA LYNN BATISTE, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me on this the 12 day of April, 2002.

Ileana Alomia
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 2/8/2003

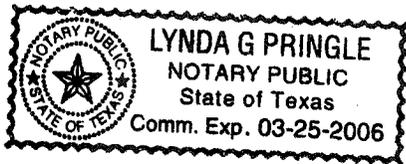


AGREED BOARD ORDER
RE: TWAYNA LYNN BATISTE, LVN #151279
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Terrie L. Hairston

Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the
3rd day of June, 2002.

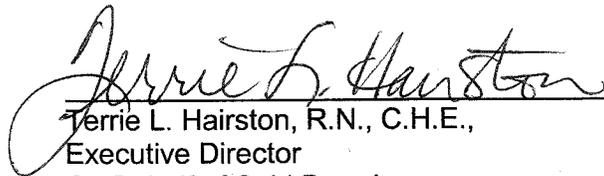


Lynda G. Pringle
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 03-25-06

BOARD ORDER
RE: TWAYNA LYNN BATISTE, LVN #151279
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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 12th day of April, 2002 by TWAYNA LYNN BATISTE, license number 151279 and that Said Order is Final.

Effective this 10th day of June, 2002.



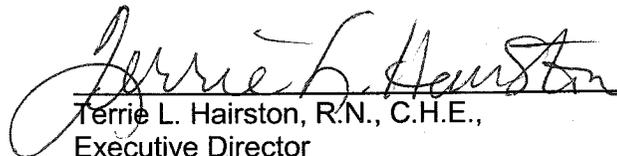
Terrie L. Hairston, R.N., C.H.E.,
Executive Director
On Behalf of Said Board

BOARD ORDER
RE: TWAYNA LYNN BATISTE, LVN #151279
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of June, 2002, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

TWAYNA LYNN BATISTE
14038 BARNHAM
HOUSTON, TEXAS 77016


Terrie L. Hairston, R.N., C.H.E.,
Executive Director
Agent for the Board of Vocational Nurse Examiners