

In the matter of: Tonya Barnes
LICENSE #20100968
D.O.B. 05/25/1971

This cause having come to be heard upon the complaint filed herein, the evidence and testimony entered before the undersigned hearing officer on May 5, 2016. The nature of the hearing was prosecution of the matter.

No witnesses were present for the board
No witnesses were present for the respondent
The respondent **WAS NOT** present to give sworn testimony

1. Exhibits A through K were admitted in to the record.
2. The hearing officer fully reviewed and considered the transcript of the hearing as prepared and certified by the court reporter, Mary E. Nelson, CCR who was present and recorded the hearing.

FINDINGS OF FACT

During the formal hearing process, the following facts were confirmed:

1. The respondent was issued a license to practice practical nursing in the state of Louisiana on August 12, 2010.
2. On June 22, 2015, the respondent reported that on July 28, 2011, she was arrested and charged with aggravated rape. The victim alleged that the respondent intentionally forced her fingers into the victim's rectum and vagina without consent. The victim further alleged that the respondent, along with her male friend, forced her to engage in oral, anal, and vaginal intercourse against her will. The respondent drove the victim to a residence where the assault took place. The victim admits she was intoxicated at the time and repeatedly told the respondent and her male friend to stop. The victim states she was unable to stop the sexual assault due to being intoxicated.

The respondent, in her interview with police, admits to performing oral sex on the victim, fondling her breasts, and possibly touching her butt, but not her anus.

The respondent did not appear for the formal hearing to give sworn testimony.

3. The respondent remained incarcerated for approximately seven months. On March 1, 2012, the Grand Jury returned with a No True Bill in the matter.

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However, the respondent falsified her renewal application when obtaining her practical nursing license for 2012, by answering "NO" to question H, which asked:

"SINCE YOUR LAST RENEWAL, HAVE YOU: been arrested, charged, convicted of, plead guilty, or no contest and/or nolo contendere or been sentenced for any criminal offense in any state: NOTE: even though an arrest or conviction has been pardoned, expunged, dismissed or deferred and your civil rights have been restored, you must answer "yes" and attach a detailed written statement and certified copy of the criminal record(s) within 10 days of today.

4. On April 22, 2012, the respondent was arrested by citation by the Bossier City Police Department on charges of simple battery. On July 9, 2012, the charge was nolle prossed. On December 21, 2012, the respondent submitted an application to renew her practical nursing license for 2013.

However, the respondent falsified her renewal application when obtaining her practical nursing license for 2013, by answering "NO" to question H, which asked:

"SINCE YOUR LAST RENEWAL, HAVE YOU: been arrested, charged, convicted of, plead guilty, or no contest and/or nolo contendere or been sentenced for any criminal offense in any state: NOTE: even though an arrest or conviction has been pardoned, expunged, dismissed or deferred and your civil rights have been restored, you must answer "yes" and attach a detailed written statement and certified copy of the criminal record(s) within 10 days of today.

5. On April 2, 2015, the respondent was arrested by the Bossier Parish Sheriff's Office on charges of disturbing the peace, language. On June 15, 2015, the respondent entered a plea of guilty. She was ordered to pay a fine and court costs.

The hearing officer finds the respondent not credible. Her blatant total disregard for the law is evident by falsification of records submitted to the board on several occasions to obtain her practical nursing license. Although she was not charged with rape, activity that occurred that night raises very serious concerns. She admitted to being so drunk, she had alcohol poisoning and driving drunk on the night of the alleged rape (Exhibit C1), although she informed the officer she drove from her apartment to the club because she was sober (Exhibit C18). She also told the officer that she did not have any drinks whatsoever while at the club and stayed on the stage dancing the whole time.

Later when giving her testimony to officers, she stated that they both left the club, and shortly after beginning to drive home, she realized she was too intoxicated to drive and stopped the vehicle (Exhibit C19). She is in an ongoing relationship with a known drug dealer, as stated in her narrative to the board (Exhibit K6).

The respondent lied to the police when questioned regarding the incident involving the aggravated rape, and has lied to the board on several occasions regarding her criminal background and the facts surrounding what transpired each time she was arrested. She fails to take responsibility for her actions and provides excuses for her actions, rather than owning up to them.

JURISDICTION

The board has jurisdiction over the parties hereto and the subject matter hereof.

CONCLUSIONS OF LAW

Based on the facts set forth in the entire record and outlined herein above, the respondent is in violation of the following:

1. The Louisiana Revised Statutes of 1950, Title 37, Chapter 11, Part II, Section 969 A. (4);
 - (a) **is guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;**
 - (b) **is guilty of a crime;**
 - (c) **is unfit, or incompetent by reason of negligence habit, or other causes;**
 - (f) **is guilty of unprofessional conduct;**
 - (g) **has violated any provisions of this Part;**

And 978 A (8) Violate any provisions of this Part and B.

2. The Louisiana Administrative Code, Title 46, Part XLVII, Subpart 1, Sections § 306 T.
 1. **being guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;**
 2. **being guilty of a crime;**
 3. **being unfit, or incompetent by reason of negligence, habit or other causes;**
 8. **being guilty of unprofessional conduct;**
 - i. **falsifying records;**

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- n. being convicted of a crime or offense which reflects the inability of the nurse to practice practical nursing with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding including, but not limited to, expungement or nonadjudication or pardon;**
- o. being guilty of moral turpitude;**
- t. violating any provisions of R.S. 37:961 et seq. (the practical nursing practice act), as amended or aiding or abetting therein.**

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ORDER

The matter of **Tonya Barnes, license #20100968**, on **July 29, 2016** came on for final action by the Louisiana State Board of Practical Nurse Examiners.

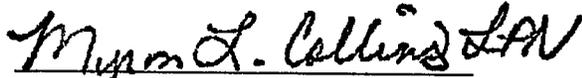
NOW THEREFORE, IT IS ORDERED, that the license of the respondent, **Tonya Barnes** be **REVOKED** and

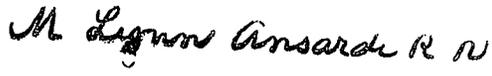
1. The respondent is not allowed to practice practical nursing in the state of Louisiana.
2. The respondent shall return his/her current practical nursing license to the board office within **three (3) days** of the date of this order.
3. The respondent is hereby fined **\$1,500.00, payable by money order or cashier's check only**, for the violations detailed in the conclusions of law, and due within **90 days** of the date of the board order.
4. A hearing assessment fee of **\$1,000.00, payable by money order or cashier's check only**, is to be submitted to the board within **90 days** of the date of the board order.

Public Records

This order is public record. All disciplinary actions of the board will be reported to all required data banks and agencies as required by law.

Rendered this **29th** day of **July, 2016** and signed this **29th** day of **July, 2016** at Metairie, Louisiana.


MYRON COLLINS, LPN
CHAIRMAN OF THE BOARD


M. LYNN ANSARDI, RN
EXECUTIVE DIRECTOR

Mailed this **29th** day of **July, 2016**, by U.S. postal service certified mail return receipt **#7014 0150 0001 8287 7601** and regular mail to the following address:

Tonya Barnes
3160 Shed Rd. A4
Bossier City, LA 71111