BEFORE THE TEXAS BOARD OF NURSING

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TEXAS BOARD OF NURSING
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

In the Matter of	§
Registered Nurse License Number 608630	§
& Vocational Nurse License Number 127826	§
issued to BRENDA ANN DENISON-DINEEN,	§
PETITIONER for Exception	§

ORDER GRANTING PETITIONER'S REQUEST FOR EXCEPTION

A public meeting of the Eligibility and Disciplinary Committee of the Board, hereinafter referred to as the Committee, was held on June 12, 2012, at 333 Guadalupe, Tower 3, Suite 460, Austin, Texas, to consider the Petit ion for Exception and supporting documents filed by BRENDA ANN DENISON-DINEEN, hereinafter referred to as PETITIONER.

PETITIONER appeared in person.

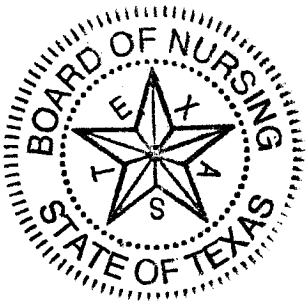
Board Members in attendance were: Kristin Benton, MSN, RN; Deborah Hughes Bell, CLU, ChFC; Kathy Leader-Horn, LVN; and Mary LeBeck, MSN, RN. Staff present were: Katherine A. Thomas, MN, RN, FAAN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, Director, Enforcement Division; Earl E. Stearns, CFE, Supervising Investigator; Diane E. Burell, Investigator; and Andrea Gonzalez, Legal Secretary.

After review and due consideration of the filed Petition, the Committee voted to GRANT the Petition for Exception.

IT IS THEREFORE ORDERED that:

(1) The Order previously issued to Petitioner on July 22, 2010, remains in full force and effect in its entirety with the sole exception that Stipulation Number Seven (7) of that Order is hereby removed as a requirement of that Order, and replaced with the following: Petitioner shall cause each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving Petitioner, as well as documentation of any internal investigations regarding action by Petitioner, to the attention of Monitoring at the Board's office.

(2) PETITIONER SHALL be responsible for completing the remaining terms of the Order previously issued to Petitioner on July 22, 2010. A copy of the July 22, 2010, Agreed Order previously issued to Petitioner is attached and incorporated, by reference, as part of this Order.



Entered this 12th day of June, 2012.

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

I certify this to be a true copy of the records on file with the Texas Board of Nursing.
Date: 6/15/12
Signed:

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 608630	§	AGREED
& Vocational Nurse License Number 127826	§	
issued to BRENDA ANN DENISON-DINEEN	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that BRENDA ANN DENISON-DINEEN, Registered Nurse License Number 608630, and Vocational Nurse License Number 127826, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(10)&(13), Texas Occupations Code.

An informal conference was held on May 4, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, RN, Ph D, Executive Director's Designee; Bonnie Cone, MSN, RN, Nurse Consultant; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Dominique Mackey, Investigator; and Mike Abul-Saud, RN, Investigator.

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 proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Memorial City General Hospital, Houston, Texas, on December 29, 1989. Respondent was licensed to practice vocational nursing in the State of Texas on May 29, 1990. Respondent received an Associate Degree in Nursing from Houston Community College, Houston, Texas, on May 15, 1994. Respondent was licensed to practice professional nursing in the State of Texas on July 28, 1994.

5. Respondent's professional and vocational nursing employment history includes:

12/29/89-9/8/1991	Staff GVN/LVN Memorial City Rehabilitation Hospital Houston, Texas
9/9/91-6/20/03	Staff LVN and RN Spring Shadow Pines Nursing Home Houston, Texas
6/21/03-10/5/03	Not employed in nursing
10/6/03-2/13/06	Staff RN Cypress Fairbanks Medical Center Houston, Texas
2/14/06-4/2/06	Not employed in nursing
4/3/06-7/10/06	Staff RN Spring Branch Medical Center Houston, Texas
7/11/06-9/10/06	Not employed in nursing
9/11/06-03/1/08	Staff RN West Houston Medical Center Houston, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with West Houston Medical Center, and had been in this position for approximately one (1) year and three (3) months.

7. On or about September 15, 2007, while employed with West Houston Medical Center, Houston, Texas, Respondent failed to completely and accurately document a nursing assessment for Patient MR# Z000446304. Respondent's failure exposed Patient MR# Z000446304 to the risk of harm in that she denied subsequent care givers of accurate and important information on which to base their plan of care.

8. In response to Finding of Fact Number Seven (7), Respondent denies falsification of documentation, and states that she was trained to document nursing assessments at 0800 o'clock for billing purposes, and to complete and edit any documentation later in the shift. Respondent adds that she could not complete her documentation for Patient MR# Z000446304 since he already left the facility AMA.

9. On or about March 1, 2008, while employed with West Houston Medical Center, Houston, Texas, Respondent failed to assess and/or document a nursing assessment for a Patient in Room 623-B, assigned to her care. Subsequently, said patient was found bleeding profusely after he inexplicably removed his femoral Quinton Catheter. Respondent was unable to provide any information regarding said patient to the intervening nursing staff. Respondent's failure exposed the patient to the risk of harm including but not limited to: exsanguination, organ failure, and death.

10. In response to Finding of Fact Number Nine (9), Respondent states that she was aware that the Patient in Room 623-B had a dialysis Catheter, but did not know it by it's brand name. Respondent reports that while preparing to assess and document on Patient in Room 623-B, she left to check another patient in Room 621-A, who placed an urgent call. Respondent states that after arriving in Room 621-A, she encountered an angry patient who physically attacked her and caused injuries to her hands and fingers. Respondent presented an incident report along with photos of her injuries at the time. Respondent states that it was during this time that Patient in Room 623-B pulled out his Quinton Catheter. Respondent states that she was instructed to go the Emergency Room, and assured by her supervisor that someone will document for her during her absence. Respondent adds that she went to the Emergency Room for treatment, and was released to go home until later in the afternoon on that day.

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)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B)(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(B),(1)(C),(4) &(6)(A).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 608630, and Vocational Nurse License Number 127826, heretofore issued to BRENDA ANN DENISON-DINEEN, including revocation of Respondent's license to practice professional & vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order 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 <u>not</u> 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) 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. 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 at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the

course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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 at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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 at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order successfully

complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE(1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) AND VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in 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. RESPONDENT SHALL notify all future employers in 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 future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. 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 nurse.

(7) For the duration of the stipulation period, RESPONDENT SHALL be supervised by a Registered 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.

(8) 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 Registered 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) month period for one (1) year(s) of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice 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 professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of June, 2010.

Brenda Ann Denison-Dineen

BRENDA ANN DENISON-DINEEN, Respondent

TXDL # 11378683

Exp - 09-05-11

Sworn to and subscribed before me this 1 day of June, 2010.

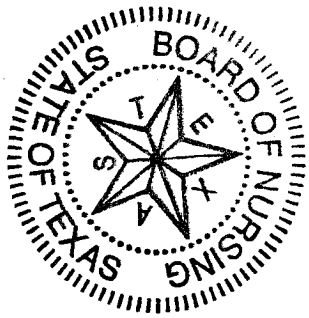
SEAL

Pramesh Patel

Notary Public in and for the State of TEXAS

PRAMESH PATEL
My Commission Expires
May 26, 2014

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 1st day of June, 2010, by BRENDA ANN DENISON-DINEEN, Registered Nurse License Number 608630 and Vocational Nurse License Number 127826, currently in delinquent status, and said Order is final.

Effective this 22nd day of July, 2010.

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