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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 124125	§	
issued to ALICE FAYE BROOKS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of ALICE FAYE BROOKS, Vocational Nurse License Number 124125, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 28, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

4. Respondent received a Certificate in Vocational Nursing from Panola Junior College, Carthage, Texas, on February 7, 1989. Respondent was licensed to practice vocational nursing in the State of Texas on May 26, 1989.

5. Respondent's nursing employment history includes:

05/1989 - 1990	Staff Nurse	Nacogdoches Medical Center Nacogdoches, Texas
1990 - 1993	Staff Nurse	Lufkin State School Lufkin, Texas

Respondent's nursing employment history continued:

1994 - 09/2003	Unknown	
10/2003 - 10/2005	Charge Nurse	Willowbrook Nursing Center Nacogdoches, Texas
02/2005 - 05/2007	Charge Nurse	Oak Manor Nursing Home Nacogdoches, Texas
05/2007 - 05/2008	Charge Nurse	Westward Trails Rehabilitation and Healthcare Center Nacogdoches, Texas
06/2008 - 02/2009	Charge Nurse	Lexington Place Nacogdoches, Texas
03/2009 - Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse with Westward Trails Rehabilitation and Healthcare Center, Nacogdoches, Texas, and had been in this position for one (1) year.

7. On or about May 11, 2008 through May 12, 2008, while employed as a Charge Nurse with Westward Trails Rehabilitation and Healthcare Center, Nacogdoches, Texas, Respondent failed to administer medications and/or failed to ensure that all medications were administered to at least nine (9) residents on her two assigned halls, including seizure medications, cardiac medications, maintenance pain medications, and an oral diabetic medication, when the Certified Medication Aide (CMA) did not show up to work her scheduled shift. Respondent's conduct was likely to harm residents in that failure to administer ordered medications could have resulted in non-efficacious treatment.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent explains that the CMA was responsible for administering oral medications and her duty was to provide treatments and to administer medications to residents with G-tubes. According to Respondent, when she could not obtain the phone number of the CMA who was scheduled to work, she phoned the Director of Nursing (DON) at home, was told by her husband that he was not going to wake his wife, so she phoned the on-call Administrative Nurse several times at both home and cell numbers and left messages explaining the situation. Respondent states that when she called the DON a second time, her husband again answered the phone and repeated that he was not going to wake his wife. Respondent states that when she had not gotten any return phone calls by 0915 hours, she informed the Administrator of the situation. Respondent concludes that it had been a hectic weekend, she had to perform the duties of a nurse aide and CMA in addition to her nursing duties, and she did not have enough time to administer all of the medications to over thirty-five residents.

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, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(C) and 217.12(1)(A),(1)(B)&(4).

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 124125, heretofore issued to ALICE FAYE BROOKS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, 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 while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website 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 medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights

of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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 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://learningext.com/hives/a0f6f3e8a0/summary.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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 when this Order becomes final and the terms of this Order become effective, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of Jan, 2011.

Alice Faye Brooks

ALICE FAYE BROOKS, Respondent

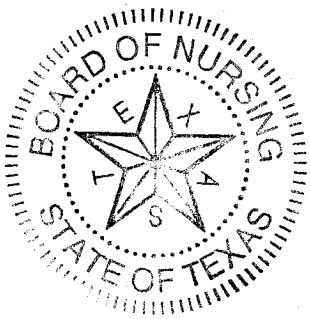
Sworn to and subscribed before me this 28 day of January, 2011.

SEAL
KATHY KING
Notary Public
STATE OF TEXAS
My Comm. Exp. October 29, 2013

Kathy King

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 28th day of January, 2011, by ALICE FAYE BROOKS, Vocational Nurse License Number 124125, and said Order is final.



Effective this 2nd day of February, 2011.

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