

Respondent's nursing employment history continued:

| | | |
|--------------|----------------------|---|
| 1975 - 1981 | Staff Nurse | Scheslinger's Geriatric Center Beaumont, Texas |
| 4/81 - 5/95 | Clinic Nurse Manager | City of Beaumont Health Department Beaumont, Texas |
| 5/95 - 8/02 | Nurse Manager | Texas Department of Health Beaumont, Texas |
| 9/02 - 10/03 | Unknown | |
| 11/03 - 4/05 | Staff Nurse | Correctional Services Corporation Jefferson County Detention Center Beaumont, Texas |
| 5/05 - 2/07 | Staff Nurse | Plane State Jail Dayton, Texas |

5. On July 17, 2008, Respondent was issued the sanction of a Reprimand with Stipulations by the Texas Board of Nursing. A copy of the July 17, 2008, Agreed Order, Finding of Fact, Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. Formal Charges were filed on July 30, 2010. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
7. Formal Charges were mailed to Respondent on August 3, 2010.
8. On January 3, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, 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 violations of Section 301.452(b)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 221060, heretofore issued to BRENDA A. LARKINS, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying herself as a RN 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. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Effective this 24th day of January, 2011.



By:

TEXAS BOARD OF NURSING

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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 221060, Issued to §
BRENDA A. LARKINS, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BRENDA A. LARKINS, is a Registered Nurse holding license number 221060, 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 July 18, 2009, Respondent failed to comply with the Agreed Order issued to her on July 17, 2008, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Two (2) of the Agreed Order which states, in pertinent part:

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics.....

A copy of the July 17, 2008, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

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

CHARGE II.

On or about July 18, 2009, Respondent failed to comply with the Agreed Order issued to her on July 17, 2008, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Three (3) of the Agreed Order which states, in pertinent part:

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the on-line course "Critical Thinking Skills,"...

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (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 revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

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.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated July 17, 2008.



30th day of July, 2010.

TEXAS BOARD OF NURSING

James W. Johnston
James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
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State Bar No. 24052269

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State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Order dated July 17, 2008.

0999/D

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 221060 §
issued to BRENDA A. LARKINS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRENDA A. LARKINS, Registered Nurse License Number 221060, 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 attended mediation on June 4, 2008, represented by Ken Lewis and Elizabeth Higginbotham, RN, Attorneys at Law, and agreed to the entry of this Order offered on June 4, 2008, 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 informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Diploma in Nursing from Hotel Dieu School of Nursing, Beaumont, Texas, in June 1967. Respondent was licensed to practice professional nursing in the State of Texas on August 17, 1967.
5. Respondent's nursing employment history includes:

| | | |
|-------------|-------------|--|
| 1967 - 1973 | Staff Nurse | Beaumont Neurological Center Beaumont, Texas |
| 1973 - 1975 | Staff Nurse | Angie Nall's School of Learning Disabilities, Beaumont, Texas |

Respondent's nursing employment history continued:

| | | |
|-------------------|--------------------------------------|--|
| 1975 - 1981 | Staff Nurse | Scheslinger's Geriatric Center Beaumont, Texas |
| 04/1981 - 05/1995 | Clinic Nurse Manager | City of Beaumont Health Department Beaumont, Texas |
| 05/1995 - 08/2002 | Tuberculosis Nurse Manager | Texas Department of Health Beaumont, Texas |
| 09/2002 - 10/2003 | Unknown | |
| 11/2003 - 04/2005 | Correctional Facility Staff Nurse | Correctional Services Corporation Jefferson County Detention Center Beaumont, Texas |
| 05/2005 - 02/2007 | Correctional Facility Staff Nurse | The University of Texas Medical Branch, Correctional Managed Care (UTMB-CMC), Galveston, Texas assigned to Texas Department of Criminal Justice Plane State Jail, Dayton, Texas |
| 03/2007 - Present | Unknown | |

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Correctional Facility Staff Nurse with UTMB-CMC, Galveston, Texas, assigned to Texas Department of Criminal Justice, Plane State Jail, Dayton, Texas, and had been in this position for one (1) year and five (5) months. Respondent's evaluations were good and scored as "consistently meets expectations."

7. On or about October 25, 2006, while employed as a Correctional Facility Staff Nurse with UTMB-CMC, Galveston, Texas, and assigned to Texas Department of Criminal Justice, Plane State Jail, Dayton, Texas, Respondent failed to perform a comprehensive assessment after Inmate Number 1358391 complained of inability to retain food, the inability to move her legs and the inability to see. Respondent failed to take the inmate's vital signs and and scheduled the provider to see the inmate the next morning. Four hours later, the inmate indicated to correctional officers that she might be having a stroke, and the next morning the inmate was emergently transferred to an acute care facility and admitted to the Intensive Care Unit after it was determined that she was suffering from Hypertensive Emergency and Altered Level of Consciousness. The inmate was later diagnosed as suffering from Fungal Meningitis and died three (3) days later Respondent's conduct may have delayed intervention and diagnosis of the inmate's disease processes.

8. On or about January 23, 2007, while employed as a Correctional Facility Staff Nurse with UTMB-CMC, Galveston, Texas, Respondent was assigned after hours on-call for Texas Department of Criminal Justice, Plane State Jail, Dayton, Texas. Respondent was notified that an inmate was experiencing chest pain and failed to follow the nursing assessment protocol for the facility for inmates having chest pains. After conversing with the inmate, Respondent determined that the inmate was not emergent and could wait until the following morning to see a provider for evaluation. Respondent realizes that she should have questioned the propriety of accepting the on-call assigned for thousands of inmates as she had not been properly oriented and trained to the on-call procedure (initiated January 19, 2007) and assignment. Approximately six (6) hours later, the inmate was found on the floor and presumed to have fallen from her upper bunk. Shortly thereafter, the inmate was found to be without vital signs, and was pronounced deceased after an unsuccessful attempt at cardiopulmonary resuscitation. Respondent's conduct exposed the patient to risk of harm.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that although Inmate Number 1358391 said she could not move her legs, the inmate admitted to having gone to the bathroom with the assistance of other inmates. When the inmate complained of not being able to see, Respondent states she held up two (2) fingers and the inmate correctly counted them. And although the inmate said she could not eat, she also admitted that she had been eating commissary food, which inmates must walk to and from the commissary in order to obtain. Regarding Inmate Number 1304171, Respondent states that based upon her phone conversation with the inmate, she determined that the inmate was not emergent and the inmate herself stated that she believed she could wait to be seen by a provider until the next morning. According to Respondent, the inmate was alert and oriented, indicated that she had been eating only a lot of sweets and sodas for the past few days, and was having pain in the middle of her chest as well as indigestion which improved by chewing antacid tablets. The inmate had been complaining of chest pain since January 2, 2007.
10. Respondent states that she was not afforded a peer review in accordance with UTMB-CMC policy.

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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(D), (1)(M),(1)(P),(1)(T)&(3)(A) & 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 Registered Nurse License Number 221060, heretofore issued to BRENDA A. LARKINS, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, that RESPONDENT'S license, Registered Nurse License Number 221060, issued to BRENDA A. LARKINS, shall be issued the sanction of a REPRIMAND with Stipulations subject to ratification by the Texas Board of Nursing.

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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(1) RESPONDENT SHALL, within ten (10) days of entry of this Order, return Registered Nurse License Number 221060, issued to BRENDA A. LARKINS, to the office of the Texas Board of Nursing for appropriate notation.

(2) 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 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, 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 at the following Board website address: <http://www.bon.state.tx.us/about/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the on-line course "Critical Thinking Skills," offered through the website of the National Council of State Board's of Nursing, www.ncsbn.org. RESPONDENT SHALL submit the Verification of Course Completion form 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privileges, 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

(4) Prior to employment as a Registered Nurse in the State of Texas, RESPONDENT SHALL, 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/about/stipscourses.html>

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 PROBATION CONDITIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(6) 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.

(7) 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.

(8) For the first six (6) months of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(9) For the remainder of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN 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 RN 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 nursing. These reports shall be completed by the 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 of employment as a nurse.

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 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 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 04 day of June, 2008.
Brenda A. Larkins
BRENDA A. LARKINS, Respondent

Sworn to and subscribed before me this ____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

Approved as to form and substance:

[Signature]
Elizabeth Higginbotham, Attorney for Respondent

06/04/08
Date signed

[Signature]
Kenneth W. (Ken) Lewis, Attorney for Respondent

6/4/08
Date signed

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of June, 2008, by BRENDA A. LARKINS, Registered Nurse License Number 221060, and said Order is final.

Effective this 17th day of July, 2008.



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

BRENDA A. LARKINS
2385 Poplar Street
Beaumont, Texas 77701
Texas RN License #221060

Voluntary Surrender Statement

December 9, 2010

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I, Brenda A. Larkins, waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature

Brenda A. Larkins

Date

12-28-10

Texas Nursing License Number/s

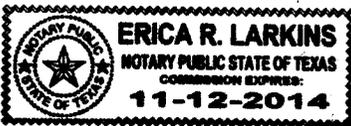
221060

The State of Texas

Before me, the undersigned authority, on this date personally appeared BRENDA A. LARKINS who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the *28th* day of *December*, 20 *10*.

SEAL



Erica R. Larkins

Notary Public in and for the State of *Texas*