

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 707574
ISSUED TO
JAMES IAN BROWER

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BOARD OF NURSING

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS

ORDER OF THE BOARD

TO: James Ian Brower
P.O. Box 499
Redwater, Texas 75573

During open meeting held in Austin, Texas, on Tuesday, September 14, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the



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.
Patricia P. Thomas
Executive Director of the Board

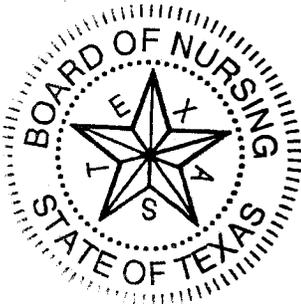
proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 707574, previously issued to JAMES IAN BROWER, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER 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.

Entered this 14th day of September, 2010.



TEXAS BOARD OF NURSING

BY:

A handwritten signature in black ink, appearing to read 'Katherine A. Thomas', written over a horizontal line.

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 707574
Issued to JAMES IAN BROWER
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of September, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

James Ian Brower
P.O. Box 499
Redwater, Texas 75573



BY:

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of Permanent License
Number 707574, Issued to
JAMES IAN BROWER, Respondent**

§ **BEFORE THE TEXAS**
§
§ **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JAMES IAN BROWER, is a Registered Nurse holding license number 707574, which is in current 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 April 3, 2007, through May 3, 2007, while employed with Wadley Regional Medical Center, Texarkana, Texas, Respondent withdrew Morphine from the Pyxis Medication Dispensing System for patients, but failed to completely and accurately document the administration of the medication, including signs, symptoms and responses to the medication administered in the patients' Medication Administration Records (MARs) and/or Nurses Notes as follows:

Date/ Time	Patient #	Medication	Physician's Order	MAR	Wastage	Nurses Notes
4/3/07 15:16	TCS 13447461	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2hrs PRN	None	None	None
4/3/07 18:16	TCS 13447461	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2hrs PRN	None	None	None
4/13/07 10:05	LM 13496427	(1) Morphine Sulfate 10mg Tubex	Morphine 3-5mg IV Q 4 hrs PRN	None	None	None
4/13/07 15:48	CWT 13500673	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/16/07 15:30	CWT 13500673	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/16/07 16:47	CWT 13500673	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/21/07 08:37	JB 13525506	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2-4hrs PRN	None	None	None
4/21/07 12:07	JB 13525506	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2-4hrs PRN	None	None	None

4/21/07 13:47	JB 13525506	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2-4hrs PRN	None	None	None
4/21/07 16:10	JB 13525506	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2-4hrs PRN	None	None	None
4/27/07 09:32	TF 13534425	(1) Morphine Sulfate 4mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/27/07 13:49	TF 13534425	(1) Morphine Sulfate 4mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/27/07 16:19	TF 13534425	(1) Morphine Sulfate 4mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/27/07 17:09	TF 13534425	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/28/07 08:11	TF 13534425	(1) Morphine Sulfate 4mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/28/07 09:55	TF 13534425	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/28/07 12:53	TF 13534425	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
5/3/07 10:34	LEN 13553979	(1) Morphine Sulfate 10mg Tubex	Morphine 3-5mg Q 4 hrs PRN	None	None	None
5/3/07 18:29	LEN 13553979	(1) Morphine Sulfate 10mg Tubex	Morphine 3-5mg Q 4 hrs PRN	None	None	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D)(effective through November 15, 2007), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).

CHARGE II.

On or about April 3, 2007, through May 3, 2007, while employed with Wadley Regional Medical Center, Texarkana, Texas, Respondent withdrew Morphine from the medication dispensing system for patient, but failed to follow the policy and procedure for the wastage of the of the unused portions of the medication as follows:

Date/ Time	Patient #	Medication	Physician's Order	MAR	Wastage	Nurses Notes
4/3/07 15:16	TCS 13447461	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2hrs PRN	None	None	None
4/3/07 16:54	TCS 13447461	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2hrs PRN	6mg 1700	None	None
4/3/07 18:16	TCS 13447461	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2hrs PRN	None	None	None
4/11/07 10:36	LM 13496427	(1) Morphine Sulfate 10mg Tubex	Morphine 3-5mg IV Q 4 hrs PRN	5mg	None	None
4/13/07 10:05	LM 13496427	(1) Morphine Sulfate 10mg Tubex	Morphine 3-5mg IV Q 4 hrs PRN	None	None	None
4/13/07 15:48	CWT 13500673	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/16/07 15:30	CWT 13500673	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/16/07 16:47	CWT 13500673	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/21/07 08:37	JB 13525506	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2-4hrs PRN	None	None	None
4/21/07 12:07	JB 13525506	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2-4hrs PRN	None	None	None
4/21/07 13:47	JB 13525506	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2-4hrs PRN	None	None	None
4/21/07 16:10	JB 13525506	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2-4hrs PRN	None	None	None
4/22/07 15:10	JB 13525506	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2-4hrs PRN	6mg 1500	None	None

4/22/07 17:41	JB 13525506	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 2-4hrs PRN	6mg 1730	None	None
4/27/07 07:07	TF 13534425	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	5mg 745	None	None
4/27/07 09:32	TF 13534425	(1) Morphine Sulfate 4mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/27/07 13:49	TF 13534425	(1) Morphine Sulfate 4mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/27/07 16:19	TF 13534425	(1) Morphine Sulfate 4mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/27/07 17:09	TF 13534425	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/28/07 08:11	TF 13534425	(1) Morphine Sulfate 4mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/28/07 09:55	TF 13534425	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
4/28/07 12:53	TF 13534425	(1) Morphine Sulfate 10mg Tubex	Morphine 2-10mg IV Q 1-2hrs PRN	None	None	None
5/3/07 10:34	LEN 13553979	(1) Morphine Sulfate 10mg Tubex	Morphine 3-5mg Q 4 hrs PRN	None	None	None
5/3/07 18:29	LEN 13553979	(1) Morphine Sulfate 10mg Tubex	Morphine 3-5mg Q 4 hrs PRN	None	None	None

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(B)(effective through November 15, 2007), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

CHARGE III.

On or about April 3, 2007, through May 3, 2007, while employed with Wadley Regional Medical Center, Texarkana, Texas, Respondent misappropriated Morphine belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B)(effective through November 15, 2007), and §217.12(1)(B),(6)(G)&(11)(B).

CHARGE IV.

On or about May 4, 2007, while employed with Wadley Regional Medical Center, Texarkana, Texas, Respondent engaged in the intemperate use of Benzodiazepines and Opiates, in that Respondent produced a specimen for drug screening which resulted positive for Benzodiazepines and Opiates. Possession of Benzodiazepines and Opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Benzodiazepines and Opiates by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9),(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(T)(effective through November 15, 2007), and §217.12(1)(E), (5),(10)(A),(10)(D)&(11)(B).

CHARGE V.

On or about June 14, 2007 through June 21, 2007, while employed with Christus St. Michael, Texarkana, Texas, Respondent withdrew Morphine from the Pyxis Medication Dispensing System for patients, but failed to completely and accurately document the administration of the medication, including signs, symptoms and responses to the medication administered in the patients' Medication Administration Records (MARs), Nurses Notes, and/or both as follows:

Date/Time	Patient #	Medication	Physician's Order	MAR	Wastage	Nurses Notes
6/14/07 10:15	JW 234517	(1) Morphine 10mg	Morphine titrate to pain PRN	----- 1030	None	None
6/14/07 15:09	JW 234517	(1) Morphine 10mg	Morphine titrate to pain PRN	None	None	None
6/15/07 08:24	JW 234517	(1) Morphine 10mg	Morphine titrate to pain PRN	None	None	None
6/15/07 12:29	JW 234517	(1) Morphine 10mg	Morphine titrate to pain PRN	----- 1200	None	None
6/19/07 04:59	MG 234696	(1) Morphine 10mg	Morphine 1-4 mg Q 2hrs PRN pain	None	None	None
6/20/07 20:34	JEP 237104	(1) Morphine 10mg	Morphine 2-4mg IV Q 5min PRN Chest Pain	None	None	None
6/20/07 22:17	JEP 237104	(1) Morphine 10mg	Morphine 2-4mg IV Q 5min PRN Chest Pain	None	None	None
6/20/07 23:16	WSK 237470	(1) Morphine 10mg	Morphine Sulfate 3-5mg Q 6hrs PRN	None	None	None
6/21/07 00:58	WSK 237470	(1) Morphine 10mg	Morphine Sulfate 3-5mg Q 6hrs PRN	None	None	None
6/21/07 06:01	WSK 237470	(1) Morphine 10mg	Morphine Sulfate 3-5mg Q 6hrs PRN	None	None	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D)(effective through November 15, 2007), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).

CHARGE VI.

On or about June 10, 2007 through June 21, 2007, while employed with Christus St. Michael, Texarkana, Texas, Respondent withdrew Morphine from the medication dispensing system for patient, but failed to follow the policy and procedure for the wastage of the of the unused portions of the medication as follows:

Date/ Time	Patient #	Medication	Physician's Order	MAR	Wastage	Nurses Notes
6/10/07 12:18	LDL 231116	(1) Morphine 10mg	Morphine sulfate 2mg IV Q 1hr PRN	2mg 12:30	None	None
6/14/07 15:09	JW 234517	(1) Morphine 10mg	Morphine titrate to pain PRN	None	None	None
6/15/07 08:24	JW 234517	(1) Morphine 10mg	Morphine titrate to pain PRN	None	None	None
6/18/07 20:37	MG 234696	(1) Morphine 10mg	Morphine 1-4 mg Q 2hrs PRN pain	4mg 2045	None	None
6/19/07 00:40	MG 234696	(1) Morphine 10mg	Morphine 1-4 mg Q 2hrs PRN pain	4mg 0100	None	None
6/19/07 03:07	MG 234696	(1) Morphine 10mg	Morphine 1-4 mg Q 2hrs PRN pain	4mg 0310	None	None
6/19/07 04:59	MG 234696	(1) Morphine 10mg	Morphine 1-4 mg Q 2hrs PRN pain	None	None	None
6/20/07 20:34	JEP 237104	(1) Morphine 10mg	Morphine 2-4mg IV Q 5min PRN Chest Pain	None	None	None
6/20/07 22:17	JEP 237104	(1) Morphine 10mg	Morphine 2-4mg IV Q 5min PRN Chest Pain	None	None	None
6/20/07 23:16	WSK 237470	(1) Morphine 10mg	Morphine Sulfate 3-5mg Q 6hrs PRN	None	None	None
6/21/07 00:58	WSK 237470	(1) Morphine 10mg	Morphine Sulfate 3-5mg Q 6hrs PRN	None	None	None
6/21/07 06:01	WSK 237470	(1) Morphine 10mg	Morphine Sulfate 3-5mg Q 6hrs PRN	None	None	None

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE

§217.11(1)(A)&(B)(effective through November 15, 2007), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

CHARGE VII.

On or about June 10, 2007 through June 21, 2007, while employed with Christus St. Michael, Texarkana, Texas, Respondent misappropriated Morphine belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B)(effective through November 15, 2007), and §217.12(1)(B),(6)(G)&(11)(B).

CHARGE VIII.

On or about June 21, 2007, while employed with Christus St. Michael, Texarkana, Texas, Respondent engaged in the intemperate use of Opiates and Darvocet, in that Respondent produced a specimen for drug screening which resulted positive for Opiates and Darvocet. Possession of Opiates and Darvocet is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates and Darvocet by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9),(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(T)(effective through November 15, 2007), and §217.12(1)(E), (5),(10)(A),(10)(D)&(11)(B).

CHARGE IX.

On or about February 18, 2010, Respondent was indicted on three (3) counts of Aggravated Assault of a Public Service using a Deadly Weapon (1st Degree Felony offenses that were committed on November 26, 2009), when Respondent did then and there intentionally or knowingly threaten three (3) police officers with imminent bodily injury by discharging a handgun at the officers as they were responding to a call for assistance), by The Grand Jury of Bowie County, Texas, Cause No. 10F0077-202, in the 5th District Court, Bowie County, Texas. Respondent's conduct was likely to injure the public.

The above action constitutes grounds for disciplinary action in accordance with Sections 301.452(b)(10), Texas Occupations Code, and is a violation of 22 Tex. Admin. Code § 217.12(13).

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).

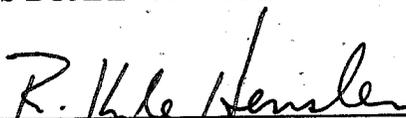
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which 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.

Filed this 28th day of July, 20 10.

TEXAS BOARD OF NURSING


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
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TEXAS BOARD OF NURSING

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