

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 535484  
ISSUED TO  
LISA ANN BRANDON

§  
§  
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§  
§  
§  
§

BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE 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.  
*Patricia P. Roman*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Lisa Ann Brandon  
1121 Forest Creek  
Benbrook, Texas 76126

During open meeting held in Austin, Texas, on June 14, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and 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 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 § 213.2(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 535484, previously issued to LISA ANN BRANDON, 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 multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 14th day of June, 2011.

TEXAS BOARD OF NURSING

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

Re: Permanent Certificate Number 535484  
Issued to LISA ANN BRANDON  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June, 20 11, 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):

Lisa Ann Brandon  
1121 Forest Creek  
Benbrook, Texas 76126

BY:



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

**In the Matter of Permanent License  
Number 535484, Issued to  
LISA ANN BRANDON, Respondent**

§  
§  
§

**BEFORE THE TEXAS  
BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LISA ANN BRANDON, is a Registered Nurse holding license number 535484, 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 October 16, 2009, Respondent failed to comply with the Agreed Order issued to her on February 10, 2009, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Four of the Agreed Order which states, in pertinent part:

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00)....

A copy of the February 10, 2009, 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).

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 Nursing Practice Act, Chapter 301, Texas Occupations Code and 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](http://www.bon.state.tx.us).

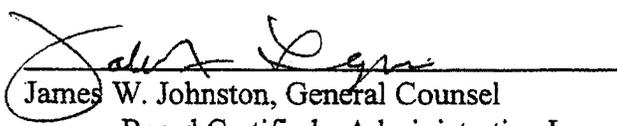
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated March 1, 2000; Reinstatement Agreed Order dated May 14, 2002; and Agreed Order dated February 10, 2009.



Filed this 15<sup>th</sup> day of February, 20 11.

TEXAS BOARD OF NURSING

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

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
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 March 1, 2000  
Reinstatement Agreed Order dated May 14, 2002  
Agreed Order dated February 10, 2009

D/2010.12.28

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered	§	AGREED
Nurse License Number 535484	§	
issued to LISA ANN BRANDON	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LISA ANN BRANDON, Registered Nurse License Number 535484, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), (10) & (13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 13, 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 representation by counsel, 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 an Associate Degree in Nursing from Macon College, Macon, Georgie, on June 1, 1986. Respondent was licensed to practice professional nursing in the State of Texas on September 24, 1986.

5. Respondent's nursing employment history includes:

9/86 - 10/86	Unknown	
11/86 - 10/90	Staff Nurse CCU/ICU	Harris Methodist Fort Worth Fort Worth, Texas
1990 - 1993	Staff Nurse Emergency Room	Hood General Hospital Granbury, Texas
10/90 - 5/92	Staff Nurse Emergency Room	All Saints Hospital Fort Worth, Texas
5/92 - 6/96	Staff Nurse Emergency Room	All Saints Cityview Fort Worth, Texas
7/96 - 1/03	Not employed in nursing	
2/03 - 6/05	Staff Nurse	Life Care of Dallas Dallas, Texas
7/05 - 12/06	Staff Nurse Med/Surg	Life Care of Fort Worth Fort Worth, Texas
1/07 - 5/07	Unknown	
6/07 - 4/08	Staff Nurse	Harris Methodist Fort Worth Fort Worth, Texas
4/08 - present	Unknown	

6. On March 1, 2000, Respondent's license to practice professional nursing in the State of Texas was revoked by the Texas Board of Nurse Examiners. A copy of the March 1, 2000, Order of the Board, Findings of Fact and Conclusions of Law, is attached and incorporated, by reference, as part of this Order.

7. On May 14, 2002, Respondent's license to practice professional nursing in the State of Texas was reinstated with stipulations by the Texas Board of Nurse Examiners. A copy of the May 14, 2002, Agreed Order, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

8. At the time of the time of incidents in Findings of Fact Numbers Nine (9) and Ten (10), Respondent was employed as a Staff Nurse with Life Care Hospital of Fort Worth, Fort Worth, Texas, and has been in this position for one (1) year and five (5) months.
9. On or about December 1, 2006 through December 3, 2006, while employed as a Staff Nurse with Life Care Hospital of Fort Worth, Fort Worth, Texas, Respondent withdrew Vicodin from the medication dispensing system for patients, but failed to document its administration in patients' Medication Administration Record or Nurses Notes. Respondent's conduct was likely to injure patients in that subsequent caregivers would rely on her documentation to further medicate the patients which could result in overmedication.
10. On or about December 1, 2006 through December 3, 2006, while employed as a Staff Nurse with Life Care Hospital of Fort Worth, Fort Worth, Texas, Respondent misappropriated Vicodin for her own personal use, from the facility and the patients thereof. Respondent's conduct defrauded the facility and the patients thereof of the cost of the medication.
11. At the time of the incidents in Findings of Fact Numbers Twelve (12) through Sixteen (16), Respondent was employed as a staff nurse with Harris Methodist Fort Worth, Fort Worth, Texas, and had been employed for approximately ten (10) months.
12. On or about January 1, 2008 through April 15, 2008, while employed with Harris Methodist Fort Worth, Fort Worth, Texas, Respondent admitted that she had misappropriated prescription pads from the hospital and forged physicians' signatures in order to pass forged and fraudulent prescriptions for Hydrocodone, at Sav-On Pharmacy, Benbrook Texas, CVS Pharmacy, Benbrook, Texas and Walgreens Pharmacy, Benbrook, Texas. Respondent's conduct was deceiving to the pharmacies and constitutes a violation of Chapter 481 of the Texas Health and Safety Code (Texas Controlled Substances Act).
13. On or about March 1, 2008 through April 15, 2008, while employed with Harris Methodist Fort Worth, Fort Worth, Texas, Respondent withdrew Meperidine, Morphine, Hydrocodone and Oxycodone from the Pyxis Medication Dispensing System for patients but failed to document the administration of these medications in the patients Medication Administration Record or Nurses Notes. Respondent conduct was likely to injure patients in that subsequent caregivers would rely on her documentation to further medicate these patients which could result in overmedication.
14. On or about March 1, 2008 through April 15, 2008, while employed with Harris Methodist Fort Worth, Fort Worth, Texas, Respondent withdrew narcotics from the Pyxis Medication Dispensing System for patients in excess of the physicians' order. Respondent's conduct was likely to injure patients in that the administration of narcotics in excess/frequency of a physician's order could result in patients suffering from respiratory depression.

15. On or about March 1, 2008 through April 15, 2008, while employed with Harris Methodist Fort Worth, Fort Worth, Texas, Respondent withdrew narcotics from the Pyxis Medication Dispensing System for patients but failed to follow the policy and procedures for wastage of any unused portions of the medications. Respondent's conduct was likely to deceive the public and constitutes a violation of Chapter 481 of the Texas Health and Safety Code (Texas Controlled Substances Act).
16. On or about March 1, 2008 through April 15, 2008, while employed with Harris Methodist Fort Worth, Fort Worth, Texas, Respondent failed to completely and accurately document nursing care provided by her to patients assigned to her care. Respondent's conduct was likely to injure patients in that it created an incomplete medical record on which subsequent caregivers would rely to provide ongoing medical care.
17. Respondent states that August 4, 2008 is her date of sobriety.
18. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### 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 a violation of Section 301.452(b)(9), (10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(C) & (D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B), (4), (6)(A)&(G), (8), (10)(B)& (E) & (11)(B).
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 535484, heretofore issued to LISA ANN BRANDON, including revocation of Respondent's license to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 535484, previously issued to LISA ANN BRANDON, to practice nursing in Texas is hereby SUSPENDED and said suspension is enforced

until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED that Permanent Certificate Number 535484 previously issued to LISA ANN BRANDON, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate 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 the 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, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be stayed, and RESPONDENT will be placed on probation for three (3) years with the following agreed terms of probation:

(1) 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.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and be

issued a license to practice nursing in the State of Texas.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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 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>.

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**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 THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) 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:**

(5) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions 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 first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse . Direct supervision requires another 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.

(8) For the remainder of the probation 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.

(9) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(10) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and

labor and delivery units.

(11) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(12) 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) months for three (3) years of employment as a nurse.

(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(14) RESPONDENT SHALL submit to random periodic screens for controlled

substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(15) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide

acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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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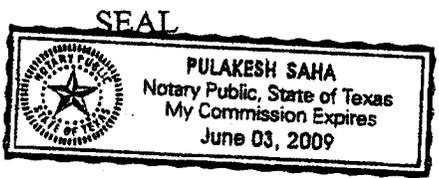
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29 day of Dec, 2008.

Lisa Ann Brandon  
LISA ANN BRANDON, Respondent

Sworn to and subscribed before me this 29<sup>th</sup> day of DECEMBER, 2008.



Pulakesh Sahg  
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of December 2009, by LISA ANN BRANDON, Registered Nurse License Number 535484, and said Order is final.

Effective this 10th day of February, 2009.



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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of License Number 535484     §           REINSTATEMENT  
issued to LISA ANN BRANDON           §           AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 535484, held by LISA ANN BRANDON, hereinafter referred to as Petitioner.

An informal conference was held on March 5, 2002, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Sandra Owen, MN, RN, Director of Professional Nursing, Executive Director's Designee; James W. Johnston, General Counsel; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, Director of Enforcement; Eunice Carter, BHA, MPA, RN, Investigator; Cathy Hilliard, BSN, RN, Investigator; Candace Villarreal, Investigator; Kim Williamson, RN, Investigator; Robbin Wilson, MSN, RN, Nursing Consultant; Jeanne Nguyen, Administrative Technician; and Noemi Leal, Senior Investigator.

FINDINGS OF FACT

1. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
2. Petitioner received an Associate Degree in Nursing from Macon College, Macon, Georgia, in 1986. Petitioner was originally licensed to practice professional nursing in the state of Texas on September 24, 1986.

3. Petitioner's professional employment history included:
- |               |  |
|---------------|--|
| 11/86 - 10/90 | Staff Nurse CCU<br>Harris Methodist Fort Worth<br>Fort Worth, Texas              |
| 10/90 - 05/92 | Staff Nurse/Emergency Room<br>All Saints Episcopal Hospital<br>Fort Worth, Texas |
| 1990 - 1993   | Staff Nurse/Emergency Room<br>Hood General Hospital<br>Granbury, Texas           |
| 05/92 - 06/96 | Staff Nurse/Emergency Room<br>All Saints Cityview<br>Fort Worth, Texas           |
4. Petitioner's license to practice professional nursing in the State of Texas was revoked by the Board of Nurse Examiners for the State of Texas, on March 14, 2000. A copy of the Proposal for Decision and Order of the Board is attached and incorporated by reference as a part of this Order.
5. In November 1999, Petitioner was convicted of the felony offense of "Possession of Controlled Substances by Fraud, to wit: Hydrocodone" in the District Court of Tarrant County, Fort Worth, Texas. Previously, on March 8, 1996, Petitioner had been issued a deferred adjudication, four (4) years probation in cause numbers 0582401, 0629571 and 0623384. The deferred adjudication probation was revoked after she produced a positive drug screen for cocaine in August 1999.
6. On or about February 13, 2002, Petitioner submitted a Petition for Reinstatement of license to practice professional nursing in the State of Texas.
7. Petitioner presented the following in support of petition:
- 7.1. Letter of recommendation dated February 1, 2002, submitted by Don E. Cooper, Certified Pedorthist (unsigned), Coopers Footcare Facility, Fort Worth, Texas. Mr. Cooper verified that Petitioner worked for their firm during the 2000/2001 year. Petitioner displayed a cheery spirit, was a team player, dependable and an ethical worker.

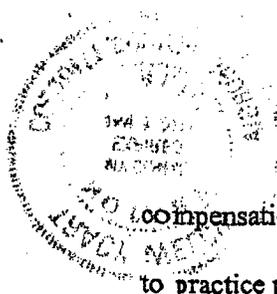
- 7.2 Letter dated February 1, 2002, submitted by Glen Geyer, Texas Department of Criminal Justice, Fort Worth, Texas. Mr. Geyer states that he supervised Petitioner from October 16, 2000, to October 20, 2001, on parole supervision. Petitioner was paroled on May 15, 2000, for the offense of "Possession of Controlled Substance by Fraud - Hydrocodone". Petitioner is scheduled for discharge on August 26, 2004. During her supervision, Petitioner has been a model parolee. She has shown remorse for her crime and sought positive support from family and friends. She has been employed full-time and submits to random drug tests monthly with no positive test since her parole. Mr. Geyer highly recommends Petitioner for reinstatement of her license.
- 7.3 Verification of successful completion of over thirty-five (35.1) hours (Type I) of Continuing Education Unit as required by the Board.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

#### ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of LISA ANN BRANDON, license number 535484, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, 301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et. seq.* and the stipulations contained in this Order:



(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board.

(2) PETITIONER SHALL show evidence that she has been actively engaged in practice as a Registered Nurse at some time within the four-year period immediately preceding PETITIONER's submission of the Reinstatement Petition to the Board. If PETITIONER can not supply sufficient evidence of such practice, PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. The refresher course shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 24-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

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BY: [Signature]

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to LISA ANN BRANDON, shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER 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 must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER 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 PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

**SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR TWO AND A HALF (2½) YEARS OF EMPLOYMENT AS A PROFESSIONAL NURSE. PERIOD OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DOES NOT REQUIRE A REGISTERED NURSE LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.**

(7) PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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.

(8) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form which will be provided to the employer by Petitioner, to the Board's office within five (5) days of employment as a professional nurse.

(9) For the first year of employment as a Registered Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and readily available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) For the remainder of the stipulation period, PETITIONER 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 PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency,

hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(11) PETITIONER SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a professional nurse.

(12) PETITIONER SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(13) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional nurse.

(14) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for two and a half (2 1/2) years of employment as a professional nurse.

(15) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication,

dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription.

(16) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride, (Ultram) and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(17) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

(18) PETITIONER SHALL CAUSE her parole officer to submit written reports on forms provided to the PETITIONER by the Board. The reports shall indicate the PETITIONER's compliance with the court ordered probation. The reports shall be furnished each and every three (3) month period until PETITIONER is released from probation.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

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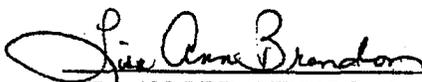
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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

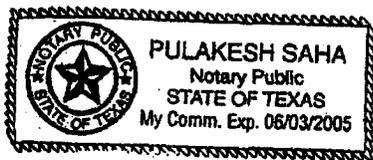
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. 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 4<sup>th</sup> day of April, 2002.

  
LISA ANN BRANDON, Petitioner

Sworn to and subscribed before me this 4<sup>th</sup> day of APRIL, 2002.

SEAL



  
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the  
State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the  
4th day of April, 2002, by LISA ANN BRANDON, license number 535484, and said  
Order is final.

Effective this 14th day of May, 2002.

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

**DOCKET NO. 507-99-2402**

**IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 535484 ISSUED TO  
LISA BRANDON**

§  
§  
§  
§  
§

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**PROPOSAL FOR DECISION**

The Staff of the Board of Nurse Examiners (the Board) brought this case seeking disciplinary action against Lisa Brandon (Respondent). The Staff requested that Respondent's permanent certificate be revoked. This proposal recommends a default judgment be entered against Respondent and Respondent's permanent certificate be revoked as requested by the Staff.

**I. Background**

On December 15, 1999, a hearing was convened before Stephen J. Pacey, Administrative Law Judge (ALJ), at the hearings facility of the State Office of Administrative Hearings in the Stephen F. Austin Building in Austin, Texas. The Staff was represented by James W. Johnston. Respondent did not appear and was not represented at the hearing.

The details of jurisdiction and notice are set out in the Findings of Fact and Conclusions of Law.

**II. Recommendation**

The ALJ recommends that a default judgment be entered and that Respondent's permanent certificate be revoked based on the Findings of Fact and Conclusions of Law presented below which outline three felony convictions.

**III. Findings of Fact**

1. Respondent, a nurse licensed by the State of Texas, holds permanent certificate number 535484.
2. The Board filed formal charges against Respondent on March 23, 1998.
3. On March 31, 1998, the Board mailed a copy of the charges to Respondent by certified mail, return receipt requested, at her address of record: 8025 Dusty Way, Fort Worth, Texas 76123. The certified letter was returned unclaimed. The Board rules allow the notice to be mailed to the address of record, and mandate that the Board must be notified within ten days of a licensee's change of address.

4. On November 22, 1999, the Board mailed notice of the hearing to Respondent by certified mail, return receipt requested, at her address of record. The certified letter was returned unclaimed.
5. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
6. The notice of hearing contained the following language in capital letters in 12-point boldface type:

**FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.**

7. Respondent did not appear and was not represented at the hearing.
8. The Staff filed a motion for default judgment.
9. The formal charges, which were set forth in the notice of hearing, contained the following allegations.

#### CHARGE I.

On or about March 8, 1996, Respondent confessed to the 213th District court of Tarrant County, Texas that she was guilty of a third degree felony offense. On or about the 5th day of October, 1994, Respondent did then and there intentionally or knowingly possess and attempt to possess a controlled substance, to wit: Hydrocodone from Pam Norris by misrepresentation, fraud, deception, or subterfuge through the use of a fraudulent, oral or telephonically communicated prescription. Respondent's conduct was likely to deceive, defraud and injure patients and the public and is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

#### CHARGE II.

On or about October 4, 1996, Respondent confessed to the 213th District court of Tarrant County, Texas that she was guilty of a third degree felony offense. On or about the 3rd day of July, 1996, Respondent did then and there intentionally or knowingly possess and attempt to possess a controlled substance, to wit: Not more

than 15 Milligrams of Dihydrocodeinone, or any of its salts, per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts from Marie Luginyh by misrepresentation, fraud, deception, or subterfuge through the use of a fraudulent, oral or telephonically communicated prescription. Respondent's conduct was likely to deceive, defraud and injure patients and the public and is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

#### CHARGE III.

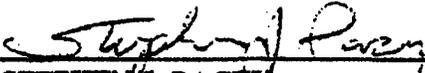
On or about October 4, 1996, Respondent confessed to the 213th District Court of Tarrant County, Texas that she was guilty of a third degree felony offense. On or about the 8th day of June, 1996, Respondent did then and there intentionally or knowingly possess and attempt to possess a controlled substance, to wit: Not more than 15 Milligrams of Dihydrocodeinone, or any of its salts, per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts from Jason Pool by misrepresentation, fraud, deception, or subterfuge through the use of a fraudulent, oral or telephonically communicated prescription. Respondent's conduct was likely to deceive, defraud and injure patients and the public and is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

#### IV. Conclusions of Law

1. The Board has jurisdiction over this matter pursuant to TEX. OCC. CODE §301.452.
2. The State Office of Administrative Hearings has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. Ch. 2003.
3. Proper and timely notice was effected upon Respondent pursuant to the Administrative Procedure Act, TEX. GOV'T CODE ANN. Ch. 2001 and 22 TEX. ADMIN. CODE (TAC) §§213.10 and 213.22.
4. The allegation contained in the Board's formal charges is deemed admitted as true pursuant to 1 TAC §155.55.
5. Respondent's action is grounds for disciplinary action under TEX. REV. CIV. STAT. ANN. art. 4525(b)(9).

6. Respondent's action warrants revocation of her permanent certificate, considering the factors set out in 22 TAC §217.13(1)&(16).
7. Respondent's permanent certificate should be revoked pursuant to TEX. OCC. CODE §301.452(b).

SIGNED this 8 day of February, 2000.

  
\_\_\_\_\_  
STEPHEN J. PACEY  
Administrative Law Judge  
State Office of Administrative Hearings

**DOCKET NO. 507-99-2402**

<b>IN THE MATTER OF</b>	§	<b>BEFORE THE</b>
	§	
<b>PERMANENT CERTIFICATE</b>	§	
<b>NUMBER 535484</b>	§	
	§	<b>BOARD OF NURSE EXAMINERS</b>
<b>ISSUED TO</b>	§	
<b>LISA BRANDON</b>	§	
	§	<b>FOR THE STATE OF TEXAS</b>

**ORDER OF THE BOARD**

TO: LISA BRANDON  
8025 Dusty Way  
Fort Worth, Texas 76123

During open meeting at Austin, Texas, the Board of Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. 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 the Certificate Number 535484 previously issued to LISA BRANDON to practice professional nursing in the State of Texas is hereby REVOKED. Respondent shall comply in all respects with the Nursing

Practice Act, TEX. REV. CIV. STAT. ANN., as amended, art. 4513 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.01 *et seq.* and this Order.

IT IS FURTHER ORDERED that Permanent Certificate Number 535484, previously issued to LISA BRANDON, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

Entered this 14th day of March, 2000.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

BY: Katherine A. Thomas  
Katherine A. Thomas, M.N., R.N.  
Executive Director on behalf of said Board