TEXAS BOARD OF NURSING
I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Licensed Vocational Nurse §
License Number 154832 §
issued to TERESA DIANE BROWNING §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 154832, issued to TERESA DIANE BROWNING, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

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

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Certificate In Vocational Nursing from Central Texas College, Brady, Texas, on August 19, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on October 10, 1995.

4. Respondent's nursing employment history includes:

08/28/1995-5/1/2004	Staff Nurse Brady East Nursing and Convalescent Center Brady, Texas

Respondent's vocational nursing employment history continued:

5/1/2004-8/29/2007	Staff Nurse Brady West Nursing and Convalescent Center Brady, Texas
8/29/2007-9/14/2007	Unknown
9/14/2007- Present	Staff Nurse Concho Health &Rehabilitation Eden, Texas

5. On or about March 23, 2010, Respondent was issued the sanction of a WARNING WITH STIPULATION through an Agreed Order by the Texas Board of Nursing. A copy of the Finding of Fact, Conclusions of Law and Agreed Order dated March 23, 2010 is attached and incorporated herein by reference as part of this Order.

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as Charge Nurse with Concho Health & Rehabilitation Center, Eden, Texas, and had been in this position for approximately three (3) years.

7. On June 24, 2010, the Board provided notice to Respondent regarding the following allegations:

   - On or about May 27, 2010, while employed as Charge Nurse with Concho Health & Rehabilitation Center, Eden, Texas, Respondent failed to assess Patient AS and intervene when SH, CNA, reported to Respondent that said patient had slipped down in her wheel chair and ran out of oxygen during her transportation in a facility van. Subsequently, an x-ray of patient AS's chest revealed fractured ribs of unknown acuity.

   - On or about May 27, 2010, while employed as Charge Nurse with Concho Health & Rehabilitation Center, Eden, Texas, Respondent failed to investigate and/or initiate an incident report in a timely manner after SH, CNA, informed Respondent that Patient AS had slipped down in her wheel chair and ran out of oxygen during her transportation in a facility van.

   - On or about May 27, 2010, while employed as Charge Nurse with Concho Health & Rehabilitation Center, Eden, Texas, Respondent failed to communicate to nursing staff of the oncoming shift that Patient AS had slipped down in her wheel chair and ran out of oxygen during her transportation in a facility van.

8. On August 3, 2010, Respondent submitted a statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's statement, dated July 20, 2010, 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 violation of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B), (1)(M), (1)(P), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).

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.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 154832, heretofore issued to TERESA DIANE BROWNING, to practice vocational 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:

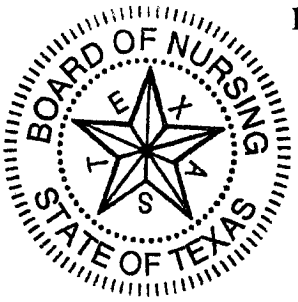
1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN, or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.

3. 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 vocational nursing in the State of Texas.

Effective this 17th day of August, 2010.



TEXAS BOARD OF NURSING

By: Katherine A. Thomas

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

7-20-10

To Texas Board of Nursing

I am surrendering

my license as an LVN

Teresa Diane Browning

Teresa Browning

Teresa Diane Browning
501 East 8th
Brady Tx 76825
(325) 456-9333

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Licensed Vocational Nurse	§	AGREED
License Number 154832	§	
issued to TERESA DIANE BROWNING	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TERESA DIANE BROWNING, Vocational Nurse License Number 154832, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 27, 2010, 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 proceedings, notice and hearing, and agreed to the entry of this Order.

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

4. Respondent received a Certificate in Vocational Nursing from Central Texas College, Brady, Texas, on August 19, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on October 10, 1995.

5. Respondent's vocational nursing employment history includes:

08/28/1995-5//1/2004	Staff Nurse Brady East Nursing and Convalescent Center Brady, Texas

Respondent's vocational nursing employment history continued:

5/1/2004-8/29/2007	Staff Nurse Brady West Nursing and Convalescent Center Brady, Texas
8/29/2007-9/14/2007	Unknown
9/14/2007-Present	Staff Nurse Concho Health &Rehabilitation Eden, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Licensed Vocational Nurse with Brady West Nursing and Convalescent Center, Brady, Texas, and had been in this position for approximately three (3) years and one (1) month.

7. On or about August 25, 2007, while employed with Brady West Nursing and Convalescent Center, Brady, Texas, Respondent failed to assess and institute the appropriate nursing interventions required to stabilize Patient RW in a timely manner. Patient RW was found unresponsive in the facility's dining room and Respondent had Patient RW taken to his room before initiating a nursing assessment or institute nursing intervention. Respondent's action deprived Patient RW of timely assessment and resuscitation, which may have prevented his demise.

8. On or about August 25, 2007, while employed at Brady West Nursing and Convalescent Center, Brady, Texas, Respondent failed to verify the advanced Directive Status of Patient RW when said patient was found unresponsive, and without a pulse. Instead, Respondent assumed that Patient RW was a Do Not Resuscitate (DNR) and failed to intervene by initiating Cardiopulmonary Resuscitation and contacting Emergency Medical Services (EMS). Respondent's action denied said patient of timely intervention and resuscitation, which may have prevented his demise.

9. In response to Findings of Fact Numbers Seven(7), and Eight(8), Respondent states that when Patient RW was brought to the nursing station by the Nursing Aids, he had not been unresponsive for thirty (30) minutes. Respondent adds that she had the Nursing Aids take said patient to his room in order to better assess him. Respondent states that while transferring Patient RW to his bed, she noted that his pupils were dilated and he had stopped breathing. Respondent states that she did not initiate CPR since she believed Patient RW was a DNR.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B), (1)(M), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 154832, heretofore issued to TERESA DIANE BROWNING, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

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

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

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

IT IS FURTHER AGREED that:

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

complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is 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) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the

same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

(4) RESPONDENT SHALL, within sixty (60) days of entry of this Order successfully complete a course in Basic Cardiopulmonary Life Support for Healthcare Providers. RESPONDENT SHALL obtain Board approval of the course and instructor 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 course shall be a minimum of eight (8) contact hours in length. The course's content shall include: Adult, Infant, and Child 1- and 2-Rescuer CPR; Adult, Infant, and Child Foreign Body Airway Obstruction for both responsive and unresponsive victims; and Adult Automated External Defibrillation. In order to receive credit for completion of this workshop, RESPONDENT SHALL obtain the Verification of Course Completion form from the Board's website, http://www.bon.state.tx.us/disciplinaryaction/pdfs/i17.pdf, and SHALL SUBMIT the Verification of Course Completion form to the Board's office, to the attention of Monitoring, after having the form completed and signed by the course instructor. RESPONDENT SHALL also submit a front and back copy of the course completion card along with the Verification of Course Completion form. 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, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE(1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION

PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the duration of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT

SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational 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, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of February, 2010.

Teresa Diane Browning

TERESA DIANE BROWNING, Respondent

Sworn to and subscribed before me this 26 day of February, 2010.

SEAL BRANDI GLORIA
Notary Public, State of Texas
My Commission Expires
October 08, 2011

Brandi Gloria

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 26th day of February, 2010, by TERESA DIANE BROWNING, Vocational Nurse License Number 154832, and said Order is final.

Effective this 23rd day of March, 2010.

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