



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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 Harris Methodist Fort Worth Fort Worth, Texas
10/90 - 05/92	Staff Nurse/Emergency Room All Saints Episcopal Hospital Fort Worth, Texas
1990 - 1993	Staff Nurse/Emergency Room Hood General Hospital Granbury, Texas
05/92 - 06/96	Staff Nurse/Emergency Room All Saints Cityview 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 Petitioner's license to practice professional nursing in the State of Texas was revoked by the Board of Nurse Examiners for the State of Texas, on March 14, 2000.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.

(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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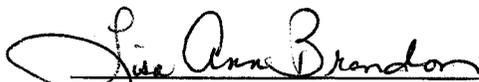
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PETITIONER'S CERTIFICATION

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.

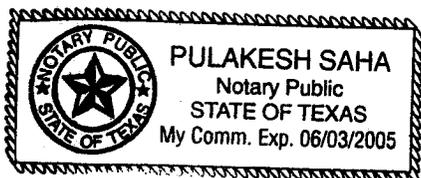
Signed this 4th day of April, 2002.



LISA ANN BRANDON, Petitioner

Sworn to and subscribed before me this 4th 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 § BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE §
NUMBER 535484 ISSUED TO § OF
LISA BRANDON §
§ 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.

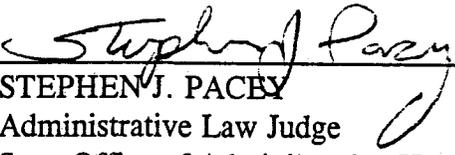
On or about October 4, 1996, Respondent confessed to the 213th District Court of Tarrant County, Texas that she was guilty of a third degree felony offense. On or about the 8th day of June, 1996, Respondent did then and there intentionally or knowingly possess and attempt to possess a controlled substance, 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

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

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