

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 603874 § AGREED
issued to KEVIN RAY BREWER § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that KEVIN RAY BREWER, hereinafter referred to as Respondent, License Number 603874, may have violated Section 301.452(b)(10), Texas Occupations Code.

An informal conference was held on October 2, 2001, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Kenda B. Dalrymple, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Linda Rounds, PhD., RN, FNP, Board Member; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Kathy Metzger, BSN, RN, Investigator.

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 notice and hearing, and consented 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 Tarrant County Junior College, Fort Worth, Texas, in 1994. Respondent was licensed to practice professional nursing in the State of Texas in June 1994.

5. Respondent's professional employment history includes:

1994-1995	Parkland Hospital Dallas, Texas	Registered Nurse
1995-1998	Abacus Home Healthcare Dallas, Texas	Assistant Director of Clinical Services
1998-2000	Baylor Medical Center Irving, Texas	Emergency Room
1999-2000	Emergency Services Associates Irving, Texas	Emergency Nurse Clinician
2000-2001	Nurses Stat Dallas, Texas	Emergency Room Nurse
2001-present	Las Colinas Medical Center Irving, Texas	Emergency Room Nurse

6. At the time of the incident, Respondent was employed as a Emergency Nurse Clinician with Emergency Services Associates of Irving, Irving, Texas, in the Emergency Department of Baylor Medical Center of Irving, Irving, Texas, and had been in this position for two (2) years and three (3) months .

7. On or about March 28, 2000, Respondent was employed as an Emergency Nurse Clinician (ENC) with Emergency Services Associates of Irving, Texas, and working in the Emergency Department of Baylor Medical Center of Irving, Irving, Texas. The Emergency Nurse Clinician (ENC) performs minor procedures to assist the physicians who are contracted from Emergency Services Associates of Irving to work in the Emergency Department. A Physician Assistant (PA) requested that the Respondent suture a laceration on the forehead of T. S., a three year old male who was in the minor emergency clinic. Staff placed T. S. in a papoose which had two restraints. A sheet was used as a third restraint for the patient's arms. Respondent placed a drape over the patient's face and injected two (2) milliliters (ml) of lidocaine and epinephrine into the wound margin prior to suturing the laceration. An Emergency Medical Technician (EMT) immobilized the patient's head. The patient fell asleep during the procedure. Approximately four (4) minutes before the procedure was completed the child began to snore. Respondent failed to lift the drape covering the patient's face to assess the patient's color and respiratory status. When the procedure was finished and the drape removed the patient was pale, not breathing, and unresponsive. Cardiopulmonary resuscitation (CPR) was initiated by Respondent. The patient was transferred to another facility and died.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(2).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 603874, heretofore issued to KEVIN RAY BREWER, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Warning with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 professional nursing in the State of Texas.

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to KEVIN RAY BREWER, to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

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

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment which includes an emphasis on pediatric 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 Registered 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 and shall be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL

focus on tasks of physical assessment only. 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT:

(4) RESPONDENT SHALL notify each present employer in professional 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 professional nursing of this Order of the Board and the stipulations on RESPONDENT's license during while this Order is in effect. 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.

(5) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided 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 to the Board's office within five (5) days of employment as a professional nurse.

(6) RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. 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 one (1) year of employment as a professional nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

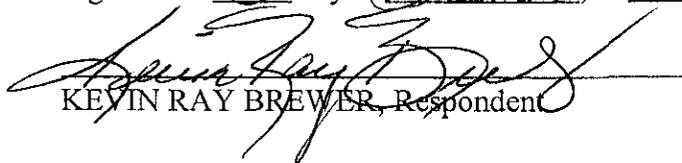
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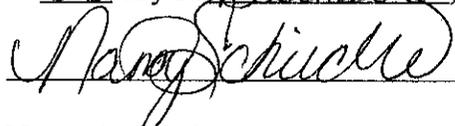
RESPONDENT'S CERTIFICATION

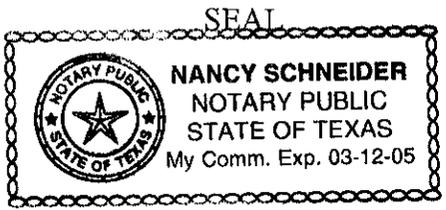
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid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

Signed this 3 day of December, 2001.


KEVIN RAY BREWER, Respondent

Sworn to and subscribed before me this 03 day of December, 2001.


Notary Public in and for the State of TX



Approved as to form and substance.


Kenda B. Dalrymple, Attorney for Respondent

Signed this 13th day of December, 2001.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of December, 2001, by KEVIN RAY BREWER, License Number 603874, and said Order is final.

Effective this 12th day of February, 2002.



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