BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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In the Matter of Permanent Certificate Number 543517 issued to TAB BLANE BROWN	§ § §	AGREED ORDER

By letter dated December 18, 1992, the Board of Nurse Examiners, hereinafter referred to as the Board, gave preliminary notice to TAB BLANE BROWN, hereinafter referred to as Respondent, of its intent to take disciplinary action with respect to registered nurse license number 543517. An investigation by the Board produced evidence indicating that Respondent may have violated Article 4525(a)(9), Revised Civil Statutes of Texas as amended.

A prehearing conference was held in the office of the Board on January 6, 1993, with Respondent in attendance as well as Louise Waddill, Ph.D., R.N., Executive Director; Lynn Besselman, Ph.D., Board Member; Penny Puryear Burt, General Counsel; Cady Crismon, M.S.N., R.N., CNS; Kathleen S. Lamm, Supervising Investigator; and Tim Houston, Investigator.

At the aforementioned conference, Respondent was not represented by legal counsel, although having been notified of rights regarding same.

FINDINGS OF FACT

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

2. That Charges were filed by the Board on December 18, 1992.

3. That Charges were mailed to Respondent on December 18, 1992.

4. Respondent, on or about July 3, 1992, while employed with Cypress Fairbanks Medial Center, Houston, Texas, administered an incorrect amount of peritoneal solution (1000cc ordered, 2000cc infused) to patient number 1112713.

5. Respondent, on or about July 7, 1992, while employed at the aforementioned facility, failed to administer insulin as ordered to patient number 1079466.

6. Respondent, on or about July 9, 1992, while employed at the aforementioned facility, administered an incorrect dose of intravenous Aminophylline to patient number 1079466. The physician's order was 1GM/250cc, 2GM/250cc was given.

7. Respondent, on or about July 9, 1992, while employed at the aforementioned facility, administered twelve (12) units of regular insulin to patient number 1079466. The administration of this dose resulted in the patient receiving an extra dose of insulin. The prior dose had been administered and charted correctly.

8. On or about July 10, 1992, while employed at the aforementioned facility, Respondent administered Isordil 40mg two (2) hours earlier than ordered (administered at 8 a.m. instead of 10 a.m.) to patient number 1119007.

9. Respondent stated he has been diagnosed with epilepsy and is currently taking Tegretol, since December 10, 1992.

CONCLUSIONS OF LAW

1. That pursuant to Article 4525, Revised Civil Statutes of Texas, as amended the Board has jurisdiction over this matter.

2. That Charges were filed by the Board in accordance with law.

3. That Charges were served upon Respondent in accordance with law.

4. That the evidence received was conclusive to prove unprofessional or dishonorable conduct which, in the opinion of the board, is likely to deceive, defraud, or injure patients or the public.

5. That the activities of the Respondent constituted sufficient cause pursuant to Article 4525(a)(9), Revised Civil Statutes of Texas as amended, to take disciplinary action against license number 543517, heretofore issued to TAB BLANE BROWN.

After discussion of the matters previously outlined in this Order, it was agreed among the parties, subject to ratification by the Board of Nurse Examiners, that:

License Number 543517, heretofore issued to TAB BLANE BROWN to practice professional nursing in the State of Texas, be suspended for five (5) years. The suspension is to be enforced a minimum of six (6) months, effective the date of this Order. Respondent shall return his current certificate of re-registration (wallet-size) to the office of the Board within ten (10) days of the date of entry of this Order.

It is further agreed that upon receipt of documentation from a neurologist which states Respondent is seizure free and capable of practicing nursing safely, a license with the appropriate notation will be issued and the suspension probated for the remainder of the suspension period. The following probation conditions will apply:

(1) Respondent shall notify all potential employers in professional nursing of this Order of the Board and the stipulations on Respondent's license. Respondent shall present a copy of this Order to each potential employer prior to employment.

(2) Respondent shall cause each potential employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(3) During Respondent's employment as a professional nurse, 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 submitted to the office of the Board at the end of each three months for the duration of the probation period. The reports shall be received by the office of the Board no later than the due date indicated on the report form.

(4) The terms of this Order can only be served while Respondent is employed as a professional nurse in a hospital, nursing home, or other clinical practice setting. The Respondent shall be supervised by a professional nurse who is on the premises. 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 or home health agency. Respondent shall not be self employed. Multiple employers are prohibited.

(5) Respondent shall not practice as a professional nurse in any critical care areas for one (1) year of employment as a professional nurse. Critical care areas include but are not limited to intensive care unit, emergency room, operating room, recovery room and labor and delivery units.

(6) Respondent 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 assigned unit(s) for one (1) year of employment as a professional nurse.

(7) Respondent shall not administer or have any contact with Controlled Substances, Nubain, or Stadol for one (1) year of employment as a professional nurse.

(8) Respondent shall abstain from the consumption of alcohol, Nubain, Stadol and/or the use of Controlled Substances, except as prescribed by a licensed practitioner for a legitimate purpose. 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 to the office of the Board within ten (10) days of the date of the prescription.

(9) Respondent shall submit to random periodic screens for Controlled Substances and alcohol at least once every week, for three (3) months. The screens shall then be required at least once every month for three (3) months. The screens shall then be required at least once every three (3) months for the duration of the probation period. All screens shall be properly monitored and production of specimen personally observed by the employer's designee. A complete chain of custody shall be maintained for each specimen obtained and analyzed. Respondent shall cause the employer/laboratory to send written laboratory results of the screens to the office of the Board. If any specimen tests positive for alcohol and/or Controlled Substances, for which Respondent does not have a valid prescription, the employer/laboratory shall report such results to the Board immediately. The results shall be received by the office of the Board no later than the due date.

(10) Respondent shall participate in therapy with a "professional counselor" possessing credentials approved by the Board. Respondent shall cause the therapist to submit written reports, on forms provided by the Board, as to the Respondent's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate that the Respondent's emotional stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months or until Respondent is dismissed from therapy. The reports shall then be required at the end of each three (3) months for the duration of the probation period, or until Respondent is dismissed from therapy. The original forms shall be received in the Board's office no later than the due date indicated on the report form.

(11) Respondent shall attend at least two (2) support group meetings each week and shall provide acceptable evidence of attendance. Acceptable evidence means the date of each meeting, the name of each group attended, and the signature or signed initials of the chairperson of each group attended by Respondent. The weekly meetings shall consist of a minimum of one (1) impaired nurse support group and one (1) support group for substance abuse. Respondent shall submit the required evidence on the original forms provided by the Board at the end of every three (3) months for the duration of the probation period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence. The original forms shall be received in the Board's office no later than the due date indicated on the report form.

(12) Respondent shall cause his neurologist to submit written reports to the Board indicating the Respondent's compliance with the treatment plan for the Respondent's epilepsy. The reports are to be submitted quarterly for one (1) year, semi-annually for the following two (2) years, and then annually for the duration of the probation period.

I have reviewed this Agreed Order. I consent to the issuance of this Order of the Board and all terms and conditions contained herein. I understand that I have the right to legal counsel prior to entering into this Agreed Order. I hereby waive my right to a hearing and judicial review of this Order. By my signature on this Order, I neither admit or deny the truth of the matters previously set out in this Order. I agree to the entry of an Order dispensing with the need for further disciplinary action in this matter.

Dated this 14 day of January, 1993.

TAB BLANE BROWN

Sworn to before me this 14 day of January, 1993.

SEAL

Debbie Dozier

Notary Public in and for the State of Texas

DEBBIE DOZIER
Notary Public, State of Texas
My Commission Expires
MARCH 27, 1996

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order signed by TAB BLANE BROWN, license number 543517, on the 14th day of January, 1993, and said Order is final.

Entered this 20th day of January, 1993.

Louise Waddill, Ph.D., R.N.
Executive Director on behalf
of said Board