BEFORE THE TEXAS BOARD OF NURSING

****

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

In the Matter of Registered Nurse License	§
Number 537378 and Vocational Nurse License	§
Number 65753 issued to BRENDA JOYCE HATTON	§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 537378 & Vocational Nurse License Number 65753, issued to BRENDA JOYCE HATTON, 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 professional and 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 Polly Ryan Memorial Hospital, Richmond, Texas, on August 11, 1975. Respondent was licensed to practice vocational nursing in the State of Texas on November 23, 1975. Respondent received a Baccalaureate Degree in Nursing from Prairie View A&M College, Houston, Texas, on March 1, 1987. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1987.

4. Respondent's vocational and professional nursing employment history includes:

11/75-6/95	Unknown

Respondent's vocational and professional nursing employment history continued:

7/95-8/95	RN	Eagle Lake Community Hospital Eagle Lake, Texas
9/95-9/96	RN	Columbia Valley Regional Medical Center Brownsville, Texas
10/96-5/02	Unknown	
6/02-3/03	RN	Park Manor of Cy-Fair Houston, Texas
4/03-9/03	Unknown	
10/03-11/03	RN	Christian St. Catherines Houston, Texas
12/03-12/07	RN	Westbury Place Houston, Texas
11/05-3/06	RN	Tomball Regional Medical Center Tomball, Texas
1/08-Present	Unknown	

5. On September 19, 1996, Respondent's license to practice professional nursing in the State of Texas was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas. A copy of the Agreed Order of the Board dated September 19, 1996, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

6. Formal Charges were filed on June 26, 2010. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.

7. Formal Charges were mailed to Respondent on June 30, 2010.

8. On November 23, 2010, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated November 9, 2010, is attached and incorporated herein by reference as part of this Order.

9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement

after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

10. 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 violation of Section 301.452(b)(9),(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE. §217.11(1)(A),(B)&(D) and §217.12(1)(A),(B)&(C),(4),(6)(G),(H)&(I),(10)(A),(C)&(D)and(11)(B).

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 Registered Nurse License Number 537378 and Vocational Nurse License Number 65753, heretofore issued to BRENDA JOYCE HATTON, to practice professional and 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 professional or vocational nursing, use the title of "registered nurse" and/or "vocational nurse" or the abbreviation "RN" and/or "LVN" or wear any insignia identifying herself as a registered and/or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered and/or vocationl 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; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

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 professional and vocational nursing in the State of Texas.

Effective this 1st day of December, 2010.

TEXAS BOARD OF NURSING

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

BRENDA JOYCE HATTON
12015 Svoboda Road
Wallis, Texas 77485
Texas RN License #537378 and LVN License #65753

Voluntary Surrender Statement

November 1, 2010

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional and vocational nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Brenda Hatton

Date 11-09-10

Texas Nursing License Number/s 537378

The State of Texas

Before me, the undersigned authority, on this date personally appeared BRENDA JOYCE HATTON who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 10th day of November, 2010.

CYNTHIA SPECKMAIER
MY COMMISSION EXPIRES
MAY 20, 2011

Cynthia Speckmaier
Notary Public in and for the State of

REGISTERED NURSE
TEXAS BOARD OF NURSING
333 Guadalupe #3-460, Austin, Texas 78701
A CERTIFICATE OF RE-REGISTRATION TO PRACTICE PROFESSIONAL NURSING ISSUED BY THE TEXAS BOARD OF NURSING TO
RN LIC. NO. 537378
EXPIRES LAST DAY OF: DEC 2009
BRENDA JOYCE HATTON
Katherine A. Thomas
EXECUTIVE DIRECTOR
Brenda Joyce Hatton
RN SIGNATURE REQUIRED

In the Matter of Registered Nurse License Number 537378 & Vocational Nurse License Number 65753, Issued to BRENDA JOYCE HATTON, Respondent	§ § § §	**BEFORE THE TEXAS BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BRENDA JOYCE HATTON, is a Registered Nurse holding license number 537378, which is in current status at the time of this pleading. and Vocational Nurse holding license number 65753, which is in delinquent 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 February 15, 2006, through February 18, 2006, while employed with Tomball Regional Medical Center, Tomball, Texas, Respondent withdrew Stadol from the Pyxis Medication Dispensing System for patients, but failed to completely and accurately document the administration including signs, symptoms and responses to the medications administered of the medication in the patients' Medication Administration Records (MARs) and/or Nurses Notes, as follows:

Date/ Time	Patient #	Medication Pulled	Physician's Order	MAR	Wastage	Nurses Notes
2/15/06 02:53	JH 108411	(1) Stadol 1mg	Stadol 1mg SIVP Q 3-4 hrs PRN Pain	None	None	PT taken to OR to deliver twins @ 0240
2/17/06 23:08	MW 11278	(1) Stadol 2mg	Stadol 1-2 mg SIVP Q 3-4hrs PRN Pain	None	None	2305 Patient sitting for Epidural
2/18/06 01:48	MW 11278	(1) Stadol 1mg	Stadol 1-2 mg SIVP Q 3-4hrs PRN Pain	None	None	2305 Patient sitting for Epidural

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D)(effective through November 15, 2007), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).

CHARGE II.

On or about February 15, 2006, through February 18, 2006, while employed with Tomball Regional Medical Center, Tomball, Texas, Respondent withdrew Stadol from the Pyxis Medication Dispensing System for patients, but failed to follow the policy and procedure for the wastage of the unused portions of the medication as follows:

Date/ Time	Patient #	Medication Pulled	Physician's Order	MAR	Wastage	Additional Info.
2/15/06 02:53	JH 108411	(1) Stadol 1mg	Stadol 1mg SIVP Q 3-4 hrs PRN Pain	None	None	PT taken to OR to deliver twins @ 0245
2/17/06 23:08	MW 11278	(1) Stadol 2mg	Stadol 1-2 mg SIVP Q 3-4hrs PRN Pain	None	None	NN: 2305 Patient sitting for Epidural
2/18/06 01:48	MW 11278	(1) Stadol 1mg	Stadol 1-2 mg SIVP Q 3-4hrs PRN Pain	None	None	NN: 2305 Patient sitting for Epidural

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(B)(effective through November 15, 2007), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

CHARGE III.

On or about February 15, 2006, through February 18, 2006, while employed with Tomball Regional Medical Center, Tomball, Texas, Respondent misappropriated Stadol belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B)(effective through November 15, 2007), and §217.12(1)(B),(6)(G)&(11)(B).

CHARGE IV.

On or about July 7, 2007, while employed with The Westbury Place, Houston, Texas, Respondent provided false and deceptive information in that she falsified her TPAPN work agreement and quarterly form, misrepresented her TPAPN status to her employer, and misrepresented her employment status to TPAPN. Respondent's conduct was likely to deceive her employer and TPAPN and could have affected her employer's decision to employ Respondent.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(H)&(6)(I).

CHARGE V.

On or about December 4, 2007, while employed with The Westbury Place, Houston, Texas, Respondent engaged in the intemperate use of Alcohol, in that she produced a specimen for drug screening which resulted positive for Ethyl Glucuronide. Respondent later admitted to drinking alcohol. The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10),Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(5),(10)(A),(10)(D)&(11)(B).

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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 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.

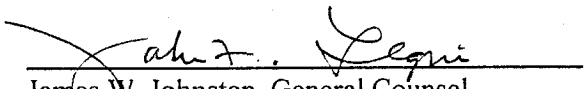
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and for Lying and Falsification, which can be found at the Board's website, 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.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated September 19, 1996.

Filed this 26th day of June, 2010.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
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Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103
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TEXAS BOARD OF NURSING
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F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated September 19, 1996

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

****

In the Matter of Permanent Certificate	§	
Number 537378 issued to	§	AGREED ORDER
BRENDA MAYO WILLIAMS	§	

An investigation by the Board produced evidence indicating that BRENDA MAYO WILLIAMS, hereinafter referred to as Respondent, may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended.

An informal conference was held on April 2, 1996, at the office of the Board of Nurse Examiners, in accordance with Article 4524C, Revised Civil Statutes of Texas, as amended.

Respondent appeared in person. Respondent was represented by Allan D. Van Slyke, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; William Hopkins, Assistant General Counsel; Gary Walters, Senior Investigator; and Diane E. Burell, 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 Texas.

4. Respondent received a Bachelor of Science Degree in Nursing from Prairie View A & M University, Houston, Texas, in 1986. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1987.

5. Respondent's professional employment history includes:

3/87 - 6/95	Unknown
6/95 - 8/95	PRN Staff Nurse Eagle Lake Community Hospital Eage Lake, Texas
8/95 - Present	Staff RN Columbia Valley Regional Medical Center Brownsville, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse with Eagle Lake Community Hospital, Eagle Lake, Texas, and had been in this position for two (2) months.

7. On or about August 12, 1995, Respondent misappropriated Nubain belonging to the aforementioned facility and/or the patients thereof. Respondent's conduct defrauded the facility and the patient of the cost of the medication.

8. On or about June 6, 1996, Respondent was assessed for chemical dependency by Brownsville Counseling Center, Brownsville, Texas. The results of the assessment classified her as non-chemically dependent.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, 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 Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(15).

4. The evidence received is sufficient cause pursuant to Article 4525(b), TEX. REV. CIV. STAT. ANN., to take disciplinary action against license number 537378, heretofore issued to BRENDA MAYO WILLIAMS.

AGREED SANCTIONS

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a warning, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas 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.

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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. By my signature on this order, I agree to the Findings of Fact, Conclusions of Law, Agreed Sanctions, and any stipulation of this order to avoid further disciplinary action in this matter. I consent to the issuance of the Agreed Sanctions. I waive judicial review of this order. I understand that this order is subject to ratification by the Board. When the order is ratified, the terms of this order become effective, and a copy will be mailed to me.

Signed this 16th day of August, 1996.

Brenda Mayo-Williams

BRENDA MAYO WILLIAMS

Sworn to and subscribed before me this 16th day of August, 1996.

SEAL

ANGELA ANN CANTU
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
11-04-99

Angela Ann Cantu

Notary Public in and for the State of Texas

Approved as to form and substance.

ALLAN D. VAN SLYKE, Attorney for Respondent

Signed this 16th day of August, 1996.

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 16th day of August, 1996, by BRENDA MAYO WILLIAMS, license number 537378, and said order is final.

Effective this 19th day of September, 1996.

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