



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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 577114                   §        AGREED  
and Vocational Nurse License Number 123716                           §        ORDER  
issued to DORMA BRANDON BRONES   §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DORMA BRANDON BRONES, Registered Nurse License Number 577114 and Vocational Nurse License Number 123716, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to regulation pursuant to Section 301.452(b)(12), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 29, 2009, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in inactive status.
4. Respondent received a Certificate in Vocational Nursing from Lamar University - Orange, Orange, Texas, on December 16, 1988. Respondent was licensed to practice vocational nursing in the State of Texas on May 26, 1989. Respondent received an Associate Degree in Nursing from Lamar University - Orange, Orange, Texas, on December 1, 1991. Respondent was licensed to practice professional nursing in the State of Texas on March 17, 1992.
5. Respondent's vocational and professional nursing employment history includes:

May 1989 - February 1992

LVN  
Park Place Medical Center  
Port Arthur, Texas

March 1992 - May 1994	RN Park Place Medical Center Port Arthur, Texas
May 1994 - July 1994	Travel RN Odessa Medical Center Odessa, Texas
July 1994 - November 1994	Travel RN Texas Department of Corrections Beeville, Texas
December 1994 - February 1995	Travel RN South Texas Hospital Harlingen, Texas
February 1995 - May 1995	Travel RN Spohn Kleberg Hospital Kingsville, Texas
May 1995 - September 1995	Travel RN Foundation Medical Center Del Rio, Texas
October 1995 - January 1996	Travel RN Foundation Health Care Del Rio, Texas
February 1996 - February 1997	Travel RN Methodist Hospital Houston, Texas
February 1997 - October 1997	RN UTMB - Mark Stiles Unit Beaumont, Texas
December 1997 - June 1999	RN/PRN Beaumont Medical and Surgical Hospital Beaumont, Texas
April 1998 - July 1998	Travel RN UTMB - Galveston Galveston, Texas
January 1999 - May 1999	Travel RN Christus Spohn Bee County Hospital Beeville, Texas

July 1999 – September 2001	Director of Nursing Services Park Central Nursing Home Port Arthur, Texas
October 2001 – February 2002	Travel RN Kaweah Delta Medical Center Visalia, California
February 2002 – February 2003	Travel RN Clear Lake Regional Medical Center Clear Lake, Texas
March 2003 - July 2003	Travel RN Tucson Medical Center Tucson, Arizona
August 2003 - September 2003	Vacation
October 2003 - May 2004	Travel RN Cleveland Regional Medical Center Cleveland, Texas
June 2004 - December 2004	DON Green Acres Parkdale Beaumont, Texas
February 2005 - April 2005	Travel RN Great Rivers Medical Center Blytheville, Arkansas
June 2005 - October 2005	RN Medical Contracting Services, Inc. Dallas, Texas
November 2005 – May 2007	Volunteer Work at Various Nursing Homes [Off work due to personal impact of Hurricane Rita – home destroyed/reconstruction efforts]
May 2007 – July 2007	Nursing Supervisor Vidor Manor Nursing Home Vidor, Texas
August 2007 – December 2007	Interim Director of Nursing Vidor Manor Nursing Home Vidor, Texas
January 2008 – March 2008	Time off for surgery/post-op recovery
April 2008 – July 2008	House Supervisor

Bay Area Medical Center  
Marinette, Wisconsin

August 2008 – present

Time off to address medical-legal matters

6. On or about June 8, 2005, while utilizing her Texas Registered Nurse license and working under her multi-state licensure privilege through Medical Contracting Services, Inc., Dallas, Texas, on assignment at Delta Regional Medical Center, Greenville, Mississippi, a pre-employment drug screen yielded a positive result for various prescription medications based on the presence of metabolites including those typically seen for Oxazepam, Codeine and Morphine.
7. The use of controlled substances by a nurse, either as prescribed or inappropriately taken, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patients' conditions, and could conceivably impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care.
8. Respondent has stated and her medical records reflect, that among other ailments, she suffers from a chronic connective tissue disease and it is her understanding that she will "always be on medications" of some sort for pain, inflammation, or related symptoms.
9. Respondent maintains that she has never worked while impaired and is "fully functional" with the medications she takes during "flare-ups" of her disease. No evidence has been provided to the Texas Board of Nursing showing that Respondent was actually impaired in June of 2005 or subsequently, and there are no known incidents of patient harm by Respondent.
10. Christopher Penning, D.O., has been Respondent's primary care physician for more than a decade, and stated in writing that the June 2005 drug screen results were consistent with Respondent's prescribed medications. Dr. Penning is a licensed Texas physician with board certification in Family Practice by the Bureau of Osteopathic Medical Specialties and has held that certification since 1999. Dr. Penning has never reported Respondent to the Board of Nursing as suffering from a condition that would prevent Respondent from safely practicing as a nurse.
11. Respondent was referred to and evaluated by Robert Alan Moore, M.D. in 2008. Robert Alan Moore, M.D., is a licensed Texas physician with over 31 years of medical practice experience, and is board certified by the American Board of Anesthesiology with a primary practice area of pain management. After evaluating Respondent, Dr. Moore concluded in March of 2008 that "If we are able to decrease her pain level sufficiently she is willing to stop the pain medications. In the meantime, I see no reason that her pain medications would interfere with her profession of nursing."
12. In the fall of 2006, at the recommendation of Board of Nursing staff, Respondent underwent a forensic evaluation by Board approved psychologist Rion Hart, Ph.D., which included a chemical dependency component. Rion Hart, Ph.D., stated in his evaluation report on Respondent that, "Until she receives whatever treatment as indicated by a psychiatrist, I could not conclude that [Respondent] would be able to consistently behave in accordance with Board rules." In his a subsequent sworn statement on May 28, 2009, Rion Hart, Ph.D., conceded that he could not say Respondent was unable to conform her nursing practice to the governing law of the Texas Board of Nursing.

13. Rion Hart, Ph.D. stated in his evaluation report that there was no apparent gross disturbance in Respondent's thought processes and that self report measure testing showed a low probability of Respondent having an existing substance dependence disorder. Rion Hart, Ph.D., has testified that he has not tendered a diagnosis of Respondent, and would not be comfortable doing so, and has further indicated that Respondent should be seen by a psychiatrist to receive whatever treatment is indicated.

14. Edward B. Gripon, M.D., is a licensed Texas psychiatrist. Dr. Gripon is board certified as a Diplomate in Psychiatry of the American Board of Psychiatry & Neurology with added qualifications in Forensic Psychiatry. Dr. Gripon evaluated Respondent in 2007 and indicated in his notes on May 2, 2007 that, "I do not think that she has any condition which would prohibit her from continuing to function as a nurse." On or about May 2, 2007, through October 16, 2007, Respondent was examined four (4) times by Edward B. Gripon, MD, who has stated that he does not think that Respondent has any condition which would prohibit her from continuing to function as a nurse, and that she can safely continue her nursing duties.

15. On March 19, 2008, Respondent was examined by R. Alan Moore Jr., MD, whose primary practice is in Pain Management. Dr. Moore noted that "we will proceed with a diagnostic/therapeutic cervical steroid injection" and will see Respondent following the injection to evaluate the results, and plan future therapy on that basis. Dr. Moore subsequently noted that if they are able to decrease Respondent's pain level sufficiently then she is willing to stop the pain medications. He further noted in his records that he sees no reason that her pain medications would interfere with her profession of nursing.

16. Respondent has continued to regularly receive care and treatment through Dr. Penning, and through Dr. Gripon and Dr. Moore on an as needed basis. All prescription medications for Respondent are issued and managed by Dr. Penning, and Respondent has limited her pharmacies to a local pharmacy and the Walgreen's system in an effort to ensure safe medication management and address any possible concerns about Respondent's access to and use of the medications.

17. The Board finds that there may be potential risks to public health and safety as a result of possible medication use and management of Respondent's illnesses.

#### 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 take regulatory action under Section 301.452(b)(12) Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) due to a mental or physical condition requiring prescription medications.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take regulatory action in regard Registered Nurse License Number 577114, and Vocational Nurse License Number 123716, heretofore issued to DORMA BRANDON BRONES, including revocation of Respondent's licenses to practice professional and 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 licenses are encumbered by this Order, Respondent has the permission of the Texas Board of Nursing to work outside the State of Texas pursuant to a multistate licensure privilege provided that she obtain written permission of the Board of Nursing in the party state where Respondent wishes to work and provide evidence of said permission to the Texas Board of Nursing.

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) contact 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/disciplinary action>.

**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 AN AVERAGE 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. THERE WILL NOT BE A NEED FOR AN EXTENSION OF THE (12) MONTHS SO LONG AS THE HOURS FOR EACH QUARTER OF THE YEAR ARE EQUAL TO OR GREATER THAN AN AVERAGE OF SIXTY-FOUR (64) HOURS PER MONTH FOR THAT QUARTER. TO ENSURE A REASONABLE WORK SCHEDULE, RESPONDENT SHALL NOT WORK MORE THAN 160 HOURS IN ANY GIVEN MONTH. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(2) RESPONDENT SHALL notify each present Texas 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 to each current Texas employer within five (5) days of receipt of this fully executed Order. RESPONDENT SHALL notify all future Texas employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. While under these stipulations RESPONDENT SHALL present a complete copy of this Order to each future Texas employer prior to accepting an offer of employment.

(3) RESPONDENT SHALL CAUSE each present Texas 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 Texas 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.

(4) RESPONDENT SHALL be indirectly supervised by a Registered Nurse who is on the premises to provide back-up and supervision as needed.. This nurse must provide observational back-up, but 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 observational back-up nurse shall have a minimum of two (2) years experience in the same or similar practice setting in which the Respondent is currently working. To ensure availability of an observational back-up nurse, Respondent's employer may use up to three Registered Nurses who meet the foregoing criteria to serve as the observational back-up nurse. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a hospice, or home health agency. RESPONDENT SHALL NOT be employed by a nurse registry or temporary nurse employment agency for any assignment of less than three (3) months. RESPONDENT SHALL NOT be self-employed for services. Multiple employers are prohibited.

(5) RESPONDENT SHALL CAUSE each Texas 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(s) who serve in the capacity as observational back up nurse for the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for one (1) year of employment in Texas as a nurse.

(6) RESPONDENT 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, 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 directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for longer than 30 days, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(7) RESPONDENT SHALL, when practicing in Texas, 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 next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation/probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

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 RESPONDENT's Texas place of employment at any time during the stipulation period and require RESPONDENT 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. RESPONDENT 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 or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's licenses and RESPONDENT shall be unencumbered for multistate licensure privileges, if any, and to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

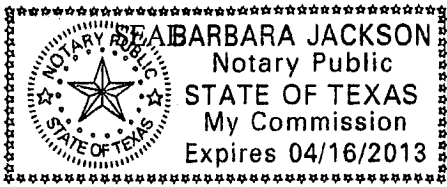
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny any violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further 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 licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19<sup>th</sup> day of Oct, 2009.

[Handwritten Signature]

DORMA BRANDON BRONES, Respondent

Sworn to and subscribed before me this 19 day of October, 2009.



[Handwritten Signature]

Notary Public in and for the State of TEXAS

Approved as to form and substance.

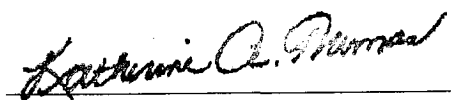
[Handwritten Signature]

TIM WEITZ, Attorney for Respondent

Signed this 20<sup>th</sup> day of Oct., 2009.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of October, 2009, by DORMA BRANDON BRONES, Registered Nurse License Number 577114, and Vocational Nurse License Number 123716, and said Order is final.

Effective this 8th day of December, 2009.



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

