

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 § AGREED  
License Number 619541 §  
issued to DANIEL L. BREWER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of DANIEL L. BREWER, Registered Nurse License Number 619541, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 12, 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.
- 4. Respondent received an Associate Degree in Nursing from Angelo State University, San Angelo, Texas, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on July 7, 1995.
- 5. Respondent's professional nursing employment history includes:

06/1995 - 08/1996	Operating Room Nurse	Abilene Regional Medical Abilene, Texas
09/1996 - 07/2005	Director of Medical Surgery Center	Medical Mall Surgery Center Abilene, Texas

Respondent's professional nursing employment history continued:

1997 - 1998	Pool Registered Nurse	Girling Home Health Abilene, Texas
08/2005 - 06/2007	Nurse Supervisor	Abilene Regional Medical Center Ambulatory Surgical Center Abilene, Texas
07/2007 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Nurse Supervisor of the Ambulatory Surgical Center with Abilene Regional Medical Center, Abilene, Texas, and had been in this position for eleven (11) months.
7. On or about July 2006, while Respondent was employed with Abilene Regional Medical Center, Abilene, Texas, Respondent misappropriated resources and supplies when he assisted a physician with an unauthorized, undocumented colonoscopy. Respondent's conduct was likely to defraud the facility of the cost of the resources and supplies.
8. On or about November 2006, while Respondent was employed with Abilene Regional Medical Center, Abilene, Texas, Respondent exceeded his scope of practice when he personally removed a "lump" from his girlfriend's leg, discarded the tissue, and stitched the wound. Respondent's conduct was likely to injure the person in that Respondent is not trained or licensed as a physician to perform medical or surgical procedures.
9. On or about November 2006, while Respondent was employed with Abilene Regional Medical Center, Abilene, Texas, Respondent exceeded his scope of practice when he sutured the leg of his friend's son. Respondent's conduct was likely to injure the person in that Respondent is not trained or licensed as a physician to perform medical or surgical procedures.
10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that the facility at which he worked had been owned by several physicians prior to being purchased by Abilene Regional Medical Center. The physician who he assisted to do the colonoscopy was one of the physicians who had owned the facility. The physician had been his boss for many years and assured him that it was fine to assist with the procedure and that no one would ever know. In November of 2006, Respondent's girlfriend came to the facility and asked him to remove a tiny bump from her leg. Respondent informed her that the only way to remove it was to excise it. Respondent then removed the bump for her and showed the bump to the same physician who said it "didn't look like anything suspicious." Respondent's girlfriend stated there was no reason to send the bump to pathology. Sometime late 2006, a friend of Respondent's called him to say her son had cut his leg and the nurse had put steri-strips on it. Respondent looked at the cut and the cut was open so Respondent decided it needed stitches. Respondent felt obligated to suture the cut. Respondent cleaned the leg, sutured it, and put a sterile dressing on it.

11. On or about July 8, 2008, Respondent plead "guilty" to the offense of "Deadly Conduct," (a Class A Misdemeanor offense that occurred on March 3, 2008), in the District Court, Jones County, Texas, Court Record Number CR023757. Respondent's conduct was likely to injure the public.
12. In response to the incident in Finding of Fact Number Eleven (11), Respondent states that he was pulled over by the police for speeding while driving home from a nightclub. As he was getting his driver's license out of his wallet, the policeman spotted a stamp on the back of his hand. At that time, the policeman asked him if he had been drinking. Respondent stated he had been drinking earlier. Respondent was charged with Driving While Intoxicated (DWI). His lawyer convinced him to plead to "Deadly Conduct" so he would not have a DWI on his record.

#### 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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D),(1)(T)&(3)(A) and 217.12(1)(A),(1)(B),(1)(E),(4)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 619541, heretofore issued to DANIEL L. BREWER, including revocation of Respondent's license to practice professional 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 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

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) 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/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program

provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://www.learningext.com/products/generalce/critical/ctabout.asp>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**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 A MINIMUM 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. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(4) RESPONDENT SHALL notify each present 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 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 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 future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present 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 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.

(6) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse 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 supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each 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 who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

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

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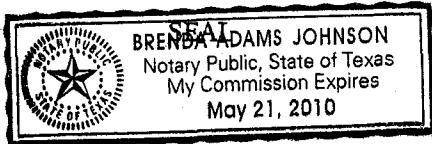
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RESPONDENT'S CERTIFICATION

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 violations 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 31 day of July, 2009.  
Daniel L. Brewer  
DANIEL L. BREWER, Respondent

Sworn to and subscribed before me this 31<sup>st</sup> day of July, 2009.



Brenda Adams Johnson  
Notary Public in and for the State of Texas

~~Approved as to form and substance.~~  
Will [Signature] for Julian Rivera  
Julian Rivera, Attorney for Respondent

Signed this 5<sup>th</sup> day of August, 2009.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 31<sup>st</sup> day of July, 2009, by DANIEL L. BREWER, Registered Nurse License Number 619541, and said Order is final.

Effective this 8<sup>th</sup> day of September, 2009.



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