

6. On or about March 4, 2003, Respondent's license to practice vocational nursing in the State of Texas was placed on PROBATION by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated March 4, 2004, is attached and incorporated, by reference, as part of this Order.
7. On or about October 10, 2007, while employed as the MDS Medicare nurse with Oasis Nursing and Rehabilitation, El Paso, Texas, Respondent engaged in the intemperate and/or unlawful use of Cocaine in that she admitted to her Director of Nursing that she had purchased and had been using Cocaine. Respondent's admission was in response to her being questioned by the DON about failing to report to her scheduled shifts on October 11, 2007 and October 12, 2007. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Cocaine by a Vocational 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.
8. In Response to Finding of Fact Number Seven (7), Respondent states:

"Approximately Oct 11, 2007 I missed work. My DON knew this was not like me and she came to my house on Oct 13, 2007. I willingly explained to her I had used cocaine on the night of Oct 10. That this was an isolated use. I have been a very good employee. I have never used on any job while caring for my residents. I have never failed a drug screen from any past employment. I value my job, nursing is my life. I wasn't asked to submit to any drug test.

I was in the past on probation for DWI and successfully passed all urine testing requested. I have never been fired from a job due to any usage of drugs or alcohol. I willingly entered at Peak Behavior Hospital and was a resident there for 1 week. I know what I have done was wrong and I'm willing to submit to any random urinalysis. I do not think I have a drug problem as I mentioned before this was an isolated usage."
9. Respondent states October 12, 2007 as her date of sobriety.
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 a violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(10)(A)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 137352, heretofore issued to BRENDA RENE HODGES, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 137352, previously issued to BRENDA RENE HODGES, to practice nursing in Texas is hereby SUSPENDED and said suspension is enforced until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED that Permanent Certificate Number 137352 previously issued to BRENDA RENE HODGES, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice vocational nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the 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, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be stayed, and RESPONDENT will be placed on probation for three (3) years with the following agreed terms of probation:

(1) 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.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and be issued a license to practice nursing in the State of Texas.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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/about/stipscourses.html>.

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 PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(4) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions 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) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse or by a Licensed Vocational Nurse. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. 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, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse or by a Licensed Vocational 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.

(8) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of

employment as a nurse.

(9) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(10) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(11) 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 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) months for three (3) years of employment as a nurse.

(12) 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 periods of two (2) weeks or longer, 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.

(13) RESPONDENT SHALL 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 probation period, random screens shall be performed at least once every three (3) months.

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 place of employment at any time during the probation 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 probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further

disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(14) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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 nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

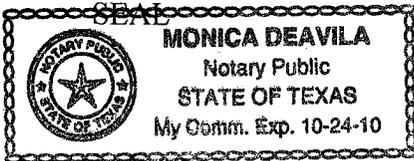
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of December, 2008.

Brenda Rene' Hodges
BRENDA RENE HODGES, Respondent

Sworn to and subscribed before me this 10th day of Dec., 2008.

Monica De Avila



Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of December, 2008, by BRENDA RENE HODGES, Vocational Nurse License Number 137352, and said Order is final.

Effective this 22nd day of January, 2009.



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

BOARD OF VOCATIONAL
NURSE EXAMINERS

STATE OF TEXAS

VS.

BRENDA RENE HODGES

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 137352 held by BRENDA RENE HODGES, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

I.

a. On or about July 16, 2002, Respondent submitted his License Renewal to the Board of Vocational Nurse Examiners for the State of Texas. On said License Renewal, Respondent answered "yes" to the question asking: "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

b. On or about December 2, 1999, Respondent was convicted of the misdemeanor offense of DRIVING WHILE INTOXICATED in the County Court at Law in McLennan County, Texas, under Case No. 990873CR1. As a result of said conviction, Respondent was placed on probation for a period of two (2) years. On May 18, 2001, a motion was made to Revoke Probation. As a result of said motion, Respondent was fined in the amount of \$185.00 and sentenced to 60 days confinement in the county jail.

AGREED BOARD ORDER
RE: BRENDA RENE HODGES, LVN #137352
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c. On or about March 9, 2001, Respondent was convicted of the misdemeanor offense of DRIVING WHILE INTOXICATED in the County Court of Rockwall County, Texas, under Case No. CR00-1121. As a result of said conviction, Respondent served on a 90-day Work Release program.

d. On or about May 2, 2002, Respondent was convicted of the misdemeanor offense of DRIVING WHILE LICENSE SUSPENDED in the County Court at Law No. 4 of Collin County, Texas, under Case No. 4-86205-01. As a result of said conviction, Respondent was placed on probation for a period of one (1) year.

d. Respondent has been convicted of crimes, which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said convictions are inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED that license number 137352, heretofore issued to BRENDA RENE HODGES to practice vocational nursing in the State of Texas be, and the same is hereby Suspended, with said suspension stayed and placed on probation for a period of one (1) year.

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Respondent shall comply with Federal State, and local laws, and all provisions of the Texas Occupations Code and Rules and Regulations of the Board.
3. That Respondent shall not practice nursing in a Nurse Licensure Compact remote state without obtaining prior written authority of both the BVNE and the Board of Nursing of the remote state.
4. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
5. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office.
6. That Respondent shall attend a Chemical Dependency Support Group, (A.A./N.A.), and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
7. That Respondent shall and hereby agrees to abstain from the consumption of Alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or use of unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Respondent's

history, and it is incumbent upon Respondent to ensure such physician knowledge. If prescribed medication, RESPONDENT SHALL CAUSE the attending physician to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the Board office by the prescribing physician, within ten (10) days of the date of the prescription.

8. That Respondent shall through the Board's agent (NCPS, Inc.), submit to random urine drug screens.

9. That Respondent shall be responsible daily for telephoning NCPS, Inc., Voice Response (VR) at 1-800-580-1099. That said drug screen shall be administered through the policies and procedures of the National Confederation of Professional Services, Inc. (NCPS, Inc.), utilizing LabCorp facilities. That said drug-screening panel shall consist of the following:

Alcohol (Ethanol)	Cannabinoids	Methaqualone
Amphetamines	Cocaine	Opiates
Barbiturates	Meperidine	Phencyclidine
Benzodiazepines	Methadone	Propoxyphene

Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Respondent. Any report of failure to contact NCPS, Inc., and/or a positive drug screen for which the Respondent does not have a valid prescription, will be regarded as non-compliance with the terms of this order and may subject the Respondent to further disciplinary action by the Board.

10. That if Respondent is discharged from court ordered probation prior to completion of this probationary term, Respondent shall be responsible for causing his/her probation officer to submit a satisfactory report directly to the Board office.

11. That Respondent pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

12. That Respondent shall return their license to the Board office for a replacement license marked "**PROBATION**" and pay a license re-issue fee in the amount of twenty (\$20.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said return of license and fee shall be made not later than thirty (30) days following the date of the Board's endorsement of the Agreed Board Order. Said license and fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to return said license or pay said fee shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 07 day of January, 2003, 2002.

Brenda Rene Hodges
Signature of Respondent

1204 S Birmingham # A
Current Address

Wylie, TX 75098
City, State and Zip

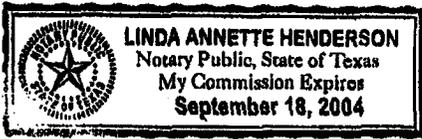
972, 429-1612
Area Code and Telephone Number

AGREED BOARD ORDER
RE: BRENDA RENE HODGES, LVN #137352
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The State of Texas
County of Collin

Before me, the undersigned authority, on this day personally appeared BRENDA RENE HODGES, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

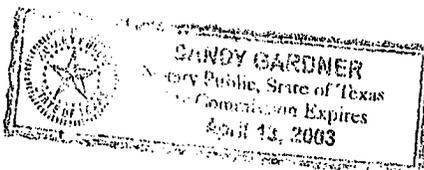
SWORN TO AND SUBSCRIBED before me on this the 7 day of January 2003, ~~2002~~



Linda Annette Henderson
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Terrie L. Hairston
Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 30th day of January, 2003

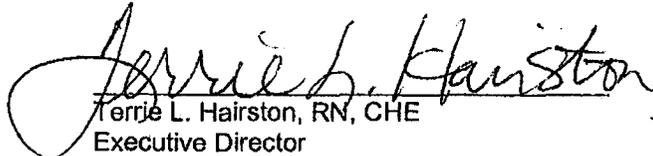


Sandy Gardner
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

BOARD ORDER
RE: BRENDA RENE HODGES, LVN #137352
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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 7th day of January, 2003 by Respondent, license number 137352 and that Said Order is Final.

Effective this 4th day of March, 2003


Terrie L. Hairston, RN, CHE
Executive Director
On Behalf of Said Board

BOARD ORDER

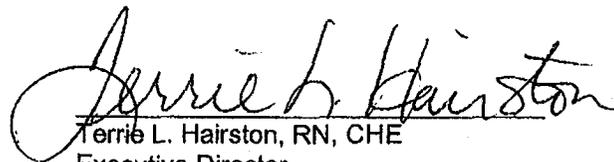
RE: BRENDA RENE HODGES, LVN #137352

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of March, 2003, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

BRENDA RENE HODGES
1204 S. BIRMINGHAM NO. A
WYLIE TX 75098



Terrie L. Hairston, RN, CHE
Executive Director

Agent for the Board of Vocational Nurse Examiners