BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse License Number 169007	§	AGREED
issued to BRANDI D. WILSON	§	ORDER

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

On this day, the Texas Board of Nursing, hereinafter referred to as the Boa accepted the voluntary surrender of Vocational Nurse License Number 169007, issued to BRANDI D. WILSON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.

2. Respondent waived representation by counsel, notice and hearing, and agreed to the entry of this Order.

3. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from Tyler Junior College, Tyler, Texas, on August 8, 1998. Respondent was licensed to practice professional nursing in the State of Texas in September 23, 1998.

5. Respondent's employment history includes:

2004 - 2004	Nurse Gilmer Care Center Gilmer, Texas

Respondent's nursing employment history (continued):

2004 - 2004	Nurse Upshur Manor Nursing Home Gilmer, Texas
2005 - 2005	Pediatric Nurse Care Team Home Health Longview, Texas
2005 - 2005	Pediatric Nurse At Home Healthcare Tyler, Texas
2006 - Current	Non-Nursing positions

6. On or about January 17, 2008, Respondent submitted a renewal application to the Texas Board of Nursing in which she answered "Yes" to the following question:"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
   A. been convicted of a misdemeanor?
   B. been convicted of a felony?
   C. pled nolo contendere, no contest, or guilty?
   D. received deferred adjudication?
   E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
   F. been sentenced to serve jail or prison time? court-ordered confinement?
   G. been granted pre-trial diversion?
   H. been arrested or any pending criminal charges?
   I. been cited or charged with any violation of the law?
   J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"

7. On or about February 28, 2006, Respondent entered a plea of Guilty to POSSESSION OF CONTROLLED SUBSTANCE, (a State Jail Felony offense committed on March 11, 2005), in the 115th District Court, Upshur County, Texas, under Cause No. 13,961. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of three (3) years. Further, Respondent was ordered to attend AA/NA meetings and successfully complete a Drug Offender Program. Additionally, Respondent was ordered to pay a fine and court costs.

   On or about August 1, 2006, a Judgment Adjudicating Guilt was entered in the 115th District Court, Upshur County, Texas, under Cause No. 13,961. As a result of the conviction,

Respondent was sentenced to confinement in the State Jail Division, TDCJ, for a period of two (2) years, to run concurrently, however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of three (3) years. Further, Respondent was ordered to SAFEP. Additionally the unfiled misdemeanor cases POSSESSION OF DRUG PARAPHERNALIA and DRIVING WHILE INTOXICATED were considered and dismissed.

8. On or about January 17, 2008, Respondent submitted a renewal application to the Texas Board of Nursing in which she answered "Yes" to the following question: "In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug?"

   In July 2008, George Jones, LCDC, of Community Healthcore, Longview, Texas, submitted a Report of Health Status indicating Respondent was diagnosed on February 28, 2008 as Opioid Dependent. Mr. Jones has been treating her since February 2008. Mr. Jones states that Respondent is compliant with treatment and aftercare recommendations. He further states that the Respondent does not pose a current or potential threat to the health and safety of patients, family or the public.

9. On or about August 4, 2008, Respondent submitted a written statement related to Findings of Fact numbers Seven (7) and Eight (8), in which she stated, "I was arrested for possessing heroin. I have been battling a terrible addiction for six years now. With the help of the criminal justice system, I've gained recovery. I am currently on probation after nine and a half months of intensive treatment in a SAFEP facility, followed by three months in a halfway house. I am currently involved in AA/NA meetings."

10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.

8. 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.

9. 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 violations of Section 301.452(b)(3)(4)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5)(10)(E)(11)(B)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational License Number 169007, heretofore issued to BRANDI D. WILSON, including revocation of Respondent's license to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational License Number 169007, heretofore issued to BRANDI D. WILSON, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to BRANDI D. WILSON, to the office of the Texas Board of Nursing.

2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

3. 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.

4. 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 multistate privilege, 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 4 day of December, 2008.

Brandi D. Wilson
BRANDI D. WILSON, Respondent

Sworn to and subscribed before me this 4 day of Dec, 2008.

SEAL
Molly Hagler
Notary Public
STATE OF TEXAS
My Comm. Exp.01-02-2010

Molly A. Hagler
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 169007, previously issued to BRANDI D. WILSON.

Effective this 11th day of December, 2008.

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