

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 681295  
ISSUED TO  
BRENDA L. ATHERTON

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BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE 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.  
*Patricia R. Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Brenda L. Atherton  
1116 Bayfield Drive  
Denton, TX 76209

During open meeting held in Austin, Texas, on Tuesday, February 10, 2009, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 681295, previously issued to BRENDA L. ATHERTON, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 681295, previously issued to BRENDA L. ATHERTON, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 10th day of February, 2009.

TEXAS BOARD OF NURSING

BY:   
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 681295  
Issued to Brenda L. Atherton  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12<sup>th</sup> day of February, 2009, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Brenda L. Atherton  
1116 Bayfield Drive  
Denton, TX 76209

BY:   
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of Permanent License  
Number 681295, Issued to  
BRENDA L. ATHERTON, Respondent**

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**BEFORE THE TEXAS  
BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BRENDA L. ATHERTON, is a Registered Nurse holding license number 681295, which is in current 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 October 11, 2007, Respondent entered a plea of Guilty and was convicted of "DWI-Open Container," a Class B misdemeanor offense committed on February 18, 2007, in the County Criminal Court # 6 of Tarrant County, Texas, under Cause No. 1056461. As a result of the conviction, Respondent was sentenced to confinement in the Tarrant County Jail for a period of fifteen (15) days, with the sentence of confinement to run concurrent with the sentence of confinement ordered in Cause No. 1074509. Additionally, Respondent was ordered to pay a fine and court costs and her Driver's License was suspended for a period of twelve (12) months.

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(13).

#### **CHARGE II.**

On or about October 11, 2007, Respondent entered a plea of Guilty and was convicted of "Possession of Dangerous Drugs," a Class A misdemeanor offense committed on April 18, 2007, in the County Criminal Court # 6 of Tarrant County, Texas, under Cause No. 1074509. As a result of the conviction, Respondent was sentenced to confinement in the Tarrant County Jail for a period of fifteen (15) days, with the sentence of confinement to run concurrent with the sentence of confinement ordered in Cause No. 1056461. Additionally, Respondent was ordered to pay court costs and her Driver's License was suspended for a period of six (6) months.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B)&(13).

### CHARGE III.

On or about October 1, 2007 through November 22, 2007, while employed with Nursefinders, Inc, Fort Worth, Texas, and on assignment with Presbyterian Hospital of Denton, Texas, Respondent submitted falsified time slips, with the names of her supervisors forged on those time slips, and as a result, received compensation in the amount of \$4,811.00.

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)(A),(G)&(H).

### CHARGE IV.

On or about June 16, 2008, Respondent submitted a License Renewal Form to the Texas Board of Nursing, in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the 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 judgment/punishment/action?*

On October 11, 2007, Respondent entered a plea of Guilty and was convicted of "Driving While Intoxicated/Open Alcohol Container" and "Possession of Dangerous Drugs," both misdemeanor offenses. As a result, Respondent was sentenced to fifteen (15) days confinement.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

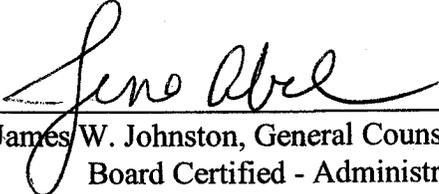
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. 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](http://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 Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, Lying and Falsification, and Fraud, Theft & Deception, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

Filed this 18<sup>th</sup> day of December, 2008.

TEXAS BOARD OF NURSING

  
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