

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

\*\*\*\*\*



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

In the Matter of Vocational Nurse License Number 73611 and Registered Nurse License Number 254824 issued to BRENDA S. HAMNER	§ § § §	AGREED   ORDER
---	------------------	-------------------------

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of BRENDA S. HAMNER, Vocational Nurse License Number 73611 and Registered Nurse License Number 254824, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on August 9, 2007, by Katherine A. Thomas, MN, RN, Executive Director.

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 representation by counsel, informal conference, 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 and holds a license to practice vocational nursing which is in Delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Vocational Nursing School, San Angelo, Texas, on August 25, 1977, and received an Associate Degree in Nursing from Angelo State University, San Angelo, Texas, on May 1, 1981. Respondent was licensed to practice vocational nursing in the State of Texas on November 22, 1977, and to practice professional nursing in the State of Texas on September 8, 1981.
5. Respondent's vocational and professional nursing employment history includes:

11/77 - 5/88	Unknown	
5/88 - 8/90	Charge Nurse	Ballinger Memorial Hospital Ballinger, Texas
6/88 - 7/90	Staff Nurse	North Runnels Home Health Agency Winters, Texas
9/90 - 6/93	ADON	Meadow Creek Nursing Center San Angelo, Texas
7/93 - present	Staff Nurse	San Angelo State School San Angelo, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with San Angelo State School, San Angelo, Texas, and had been in this position for twelve (12) years and nine (9) months.
7. On or about April 13, 2006, while employed with San Angelo State School, San Angelo, Texas, Respondent failed to institute the appropriate nursing interventions for Consumer BK, who experienced a significant cardiac event, had stopped breathing, was without pulse, and subsequently died. Although Respondent initiated cardiopulmonary resuscitation (CPR), she declined the use of an Automated External Defibrillator (AED), when offered by her supervisor. Respondent's conduct deprived the patient of early detection of a significant cardiac event and emergent treatment by application of electrical therapy which would have allowed the heart to re-establish an effective rhythm, and may have prevented the patient's demise.
8. Respondent states that when her supervisor asked her if she needed the AED she declined because she didn't know what he meant. In retrospect, Respondent states that she can see how she erred not using the AED immediately and realized this as soon as the event was over. Respondent states that this mistake was due to the stress she was feeling, her previous experiences with actual codes before AEDs were a part of the process and the lapse of time since she had taken a CPR class.
9. Respondent completed a CPR and Basic Cardiac Life Support (BCLS) on May 5, 2006, which would have been a requirement of this Order.

## 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 violation of Section 301.452(b)(10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B)&(M) and 22 TEX. ADMIN. CODE §217.12(4).
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 73611 and Registered Nurse License Number 254824, heretofore issued to BRENDA S. HAMNER, including revocation of Respondent's licenses to practice vocational and professional nursing in the State of Texas.

## ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 professional and vocational nursing in the State of Texas.

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 State of Texas and the Board of

Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to BRENDA S. HAMNER to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) 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 Chemical Dependency, 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.bne.state.tx.us/about/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "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>.*

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 vocational nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 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 disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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.

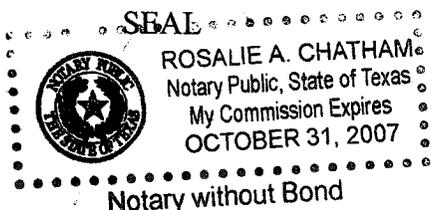
Signed this 18<sup>th</sup> day of September, 2007.

Brenda Hamner  
BRENDA S. HAMNER, Respondent

Sworn to and subscribed before me this 18<sup>th</sup> day of September, 2007.

Rosalie Chatham

Notary Public in and for the State of 10/31/07



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 18th day of September, 2007, by BRENDA S. HAMNER, Vocational Nurse License Number 73611 and Registered Nurse License Number 254824, and said Order is final.

Effective this 21st day of September, 2007.



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