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Patricia P. Marshall
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse License Number 81780 § AGREED
issued to LINDA ANNE BROOKS § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that LINDA ANNE BROOKS, hereinafter referred to as Respondent, Vocational Nurse License Number 81780, may have violated Section 301.452(b)(10), Texas Occupations Code.

An informal conference was held on April 3, 2007, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Dorothy Dafey Oruaga, Attorney at Law. In attendance were Carol Marshall, MSN, RN, Executive Director's Designee; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Earl E. Stearns, Senior Investigator.

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 notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Western Iowa Tech, Cherokee, Iowa, on August 6, 1976. Respondent was licensed to practice vocational nursing in the State of Texas on October 15, 1979.

5. Respondent's vocational nursing employment history includes:

10/79 - 07/95	Unknown	
08/95 - 10/98	Charge Nurse	Polly Ryan Richmond, Texas
1997 - 1999	Charge Nurse	Mariner Healthcare Beechnut Manor Houston, Texas
11/98 - 11/00	Charge Nurse	Beechnut Manor Houston, Texas
03/99 - 12/01	Assistant Director of Nursing	Advance Living Technologies, Inc., d/b/a Brookshire Nursing Center Brookshire, Texas
12/00 - 01/02	MDS/Coordinator	Columbus Care Center Daybreak Healthcare, Inc. Columbus, Texas
01/01 - 08/05	Staff Development Coordinator	Avalon Nursing Center Wharton, Texas
01/02 - 2004	Charge Nurse	Colonial Belle Nursing Home Sealy, Texas
02/02 - 01/05	Nurse	City Wide Nursing Services Pasadena, Texas
08/04 - 02/07	Charge Nurse	Fort Bend Healthcare Center Rosenberg, Texas
12/05 - Present	Charge Nurse	Richmond Healthcare Center Richmond, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with City Wide Nursing Services, Pasadena, Texas, and had been in this position for approximately two (2) years and ten (10) months.

7. On or about January 1, 2005, while employed as a Licensed Vocational Nurse with City Wide Nursing Services, Pasadena, Texas, Respondent submitted a City Wide Nursing Services Weekly Time Report indicating she had worked a twelve (12) hour assignment in Post Partum at Angleton Danbury Medical Center, Pasadena, Texas. Additionally, on or about January 10, 2005, Respondent accepted payment for the twelve (12) hour shift, even though she had not worked the shift. On February 6, 2007, Respondent returned the overpayment to City Wide Nursing Services. Respondent's conduct was deceptive and likely to defraud the facility of the cost of nursing care.
8. In response to Finding of Fact Number Seven (7), Respondent states: "I was overpaid and made a serious mistake by not returning the overpayment sooner. I am at fault and compounded the problem by trying to avoid the situation."
9. Several reference letters from Respondent's colleagues and supervisors have been received by the Board of Nurse Examiners for use in the investigation of this case. The letters include the following:

Peggy McClay, Administrator, Richmond Health Care Center, Richmond, Texas, indicated that Ms. Brooks has worked at the Richmond Health Care Center since December 2005, and she is "hard working, very knowledgeable, thorough, courteous, kind, and respectful . . . extremely caring and succeeds in taking excellent care of our residents";

Jennifer Garcia, LVN, Richmond Health Care Center, Richmond, Texas, stated that Respondent is "very reliable and she has a great attitude with staff and residents . . . She is on time and her attendance is remarkable . . . I can always count on her for assistance";

Chinwe I. Okeke, RN, Richmond Health Care Center, Richmond, Texas, stated that Respondent is "a dedicated, intelligent and caring nurse, whose goal is making sure that her patients get the utmost care . . . hard working and trustworthy . . . extremely dependable . . . an asset to the nursing profession";

Ollie L. Greely, LVN, Richmond Health Care Center, Richmond, Texas, stated that Respondent is "a great teacher and caregiver who always goes the extra mile . . . great leadership and people skills . . . a team player and benefit to any facility";

Lee Williams LNHA, stated that Ms. Brooks worked with her in a number of critical positions while they were employed at Brookshire Nursing Center, Brookshire, Texas. She functioned as the Staff Development Coordinator, Charge Nurse, Assistant Director of Nursing, and as the Interim Director of Nursing . . . "she performed at her peak level . . . she was punctual, exact and to the best of my knowledge, extremely honest . . . her department's growth and performance were admirable";

Peggy Baker, LVN Charge Nurse, Woodlake Nursing Center, stated that she has worked with Ms. Brooks on several occasions in the past. . . . "she has exceptional interpersonal skills and leadership qualities . . . she always puts the patient's welfare first";

Bernice Spradling, LVN, Rosenbery, Texas, stated that she has known Ms. Brooks for approximately three years. "I have worked with her and find her to be very efficient and caring towards her patients and coworkers . . . always on time and completes her shift with all work finished . . . well liked by her patients . . . caring about her fellow man";

Gwendolyn Rusher, Careers in Education Internship Teacher, Hastings High School, Houston, Texas, stated that Ms. Brooks is a single parent . . . "working very hard to provide for her family and often works long hours and double shifts to earn additional money needed to maintain her home . . . refuses to take handouts and wants to earn her own way . . . firmly believes in being nice and honest in her daily encounters with people."

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(A)&(H).
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 81780, heretofore issued to LINDA ANNE BROOKS, including revocation of Respondent's license to practice vocational 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 a WARNING WITH STIPULATIONS, 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 Vocational 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 vocational 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 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 LINDA ANNE BROOKS, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. 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, and documentation of care. 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>.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bne.state.tx.us/about/stipscourses.html>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A LICENSED VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL 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 A VOCATIONAL NURSE LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(5) 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.

(6) 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.

(7) For the duration of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse or 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 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 or Licensed Vocational 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 one (1) year of employment as a nurse.

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.

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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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 30 day of May, 2007.

Linda Anne Brooks
LINDA ANNE BROOKS, Respondent

Sworn to and subscribed before me this 30 day of May, 2007.

SEAL

Camille Powell

Notary Public in and for the State of Texas



Approved as to form and substance.

Dorothy Dafey Oruaga
DOROTHY DAFEY ORUAGA, Attorney for Respondent

Signed this 30 day of May, 2007.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 30th day of May, 2007, by LINDA ANNE BROOKS, Vocational Nurse License Number 81780, and said Order is final.

Effective this 19th day of July, 2007.



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