



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 231400 § AGREED  
issued to MILTON LEO BROWNLOW § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MILTON LEO BROWNLOW, Registered Nurse License Number 231400, 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 July 15, 2008, 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.
4. Respondent received an Associate Degree in Nursing from Midwestern State University, Wichita Falls, Texas, on May 1, 1974; received a Baccalaureate Degree in Nursing from Midwestern State University, Wichita Falls, Texas, in 1986; and received a Master's Degree in Nursing from Midwestern State University, Wichita Falls, Texas, on December 2, 1997. Respondent was licensed to practice professional nursing in the State of Texas on September 16, 1974, and became Board recognized as a Family Nurse Practitioner in the State of Texas on January 16, 1998.

5. Respondent's professional nursing employment history includes:

1974 - 1996	Staff Nurse; Nursing Supervisor; and Director of Nursing	Wilbarger General Hospital Vernon, Texas
1998 - Present	Family Nurse Practitioner	Hillcrest Clinic Vernon, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Family Nurse Practitioner with Hillcrest Clinic, Vernon, Texas, and had been in this position for seven (7) years and two (2) months.

7. On or about October 2005 through April 2006, while employed as a Family Nurse Practitioner with Hillcrest Clinic, Vernon, Texas, Respondent prescribed excessive controlled substances to patients in quantities greater than allowed by Board Rules and/or his physician delegated protocols in that he authorized refills of controlled substances without consulting with his supervising physician, as required. Furthermore, Respondent prescribed Darvocet N 100 and Valium for his own use. Respondent's conduct mislead patients into believing that their prescriptions for controlled substances were appropriately authorized and in compliance with applicable rules.

8. In response to the incident in Finding of Fact Number (7), Respondent states that when he initially started practice at this facility, the clinic was jointly owned by Dr. Borchardt and Dr. Collums. Respondent explains that refill requests for controlled substances were approved by Dr. Collums and were called in by the office nurses. However, after the death of Dr. Collums, "there were changes in personnel and somewhere along the way, refills started being authorized by the office nurses using my DEA number. The office nurses were only doing what they understood the procedure to be and I am totally at fault for not monitoring this process and assuring that things were being done correctly." Respondent asserts that after becoming aware of the problems, the process was changed and all patients requiring refills for controlled substances must see the doctor prior to any authorization for refills. Regarding the self-prescribing, Respondent asserts that:

- A physician actually wrote the prescriptions for Darvocet N 100;
- They should not have been filled as an order from Respondent; and
- Any prescriptions for Valium were used for office stock.

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### 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, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A)&(4)(B), 217.12(1)(A)&(1)(B), and 222.6(b)(2)&(3).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 231400, heretofore issued to MILTON LEO BROWNLOW, including revocation of Respondent's license to practice professional nursing in the State of Texas.

### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional 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 MILTON LEO BROWNLOW to the office of the Texas Board of Nursing 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 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/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this

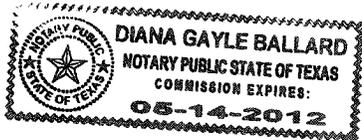
RESPONDENT'S CERTIFICATION

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 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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11 day of August, 2008  
Milton L Brownlow  
MILTON LEO BROWNLOW, Respondent

Sworn to and subscribed before me this 11 day of August, 2008  
Diana Gayle Ballard  
Notary Public in and for the State of Texas

SEAL



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 11th day of August, 2008, by MILTON LEO BROWNLOW, Registered Nurse License Number 231400, and said Order is final.

Effective this 21st day of August, 2008.

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