



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 BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 138107 § AGREED
issued to JACQUELINE ANNE BROWN § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of JACQUELINE ANNE BROWN, Vocational Nurse License Number 138107, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on July 31, 2006, 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's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.
4. Respondent received a Certificate in Practical Nursing from Cincinnati Public School of Practical Nursing on August 13, 1982. Respondent was licensed to practice practical nursing in the State of Ohio, Cincinnati, Ohio, on November 26, 1982. Respondent was licensed to practice practical nursing in the State of Florida on October 23, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on November 25, 1992.

5. Respondent's vocational nursing employment history includes:

2001 - 2002	Licensed Practical Nurse Riverview Community Cincinnati, Ohio
01/13/2003 - 12/27/2005	Licensed Practical Nurse Lakeside Terrace Skilled Nursing Center Sarasota, Florida
12/29/2005 - Present	Licensed Practical Nurse Heartland Healthcare/HCR Manor Care Sarasota, Florida

6. On or about April 22, 2005, Respondent's license to practice practical nursing in the State of Florida received the sanction of an Administrative Fine and Administrative Costs by the Florida State Board of Nursing, Tallahassee, Florida. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 22, 2005 is attached and incorporated by reference as part 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)(8), Texas Occupations Code.
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 138107, heretofore issued to JACQUELINE ANNE BROWN, 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 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 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 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, 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(2) 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

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.

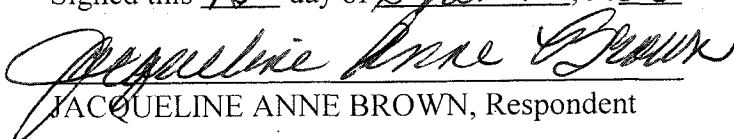
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

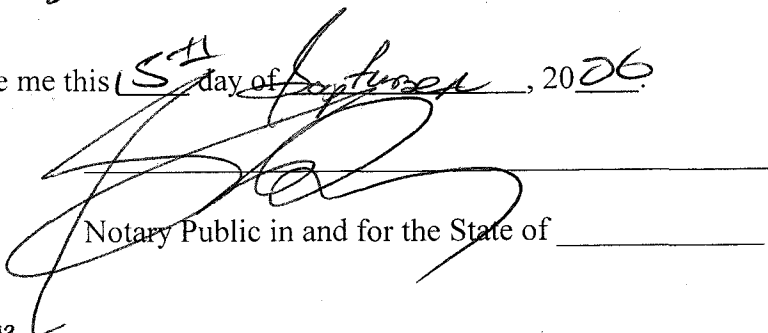
Signed this 15 day of September, 2006.


JACQUELINE ANNE BROWN, Respondent

Sworn to and subscribed before me this 15th day of September, 2006.



G. ADOLFO DIAZ
SEAL
My Commission DD 445842
Expires June 28, 2009



Notary Public in and for the State of _____



G. ADOLFO DIAZ
My Commission DD 445842
Expires June 28, 2009

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 15th day of September, 2006, by JACQUELINE ANNE BROWN, Vocational Nurse License Number 138107, and said Order is final.

Effective this 26th day of September, 2006.


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

STATE OF FLORIDA
BOARD OF NURSING

By: Heather Coleman
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2004-19682
License No.: PN 5155382

JACQUELINE BROWN,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on April 15, 2005, in Ft. Lauderdale, Florida, for the purpose of considering a stipulation (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the stipulation, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the stipulation as submitted be and is hereby approved and adopted in toto and incorporated herein by reference. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the stipulation.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 21 day of March,
2005.

BOARD OF NURSING



Dan Coble, Executive Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to JACQUELINE BROWN, 450 Treasure Road, Venice FL 34233; and by interoffice delivery to and by interoffice delivery to Lee Ann Gustafson, Senior Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, Julie Meadows, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265 and Pamela Page, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265, this 22 day of April, 2005.



Deputy Agency Clerk

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STATE OF FLORIDA
DEPARTMENT OF HEALTH

PROSTHETIC REGULATION
REG
2005 JUN 27 PM 3:03

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2004-19682

JACQUELINE BROWN, L.P.N.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Jacqueline Brown, L.P.N., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed practical nurse (L.P.N.) within the state of Florida, having been

issued license number PN 5155382. Respondent has been an L.P.N. for twenty-five years.

3. Respondent's address of record is 494 Hauser Lane, Venice, Florida 34292.

*NO
They have
current
address*

4. At all times material to this Complaint, Respondent was employed as a L.P.N. at Lakeside Terrace Skilled Nursing Center (Lakeside) located in Sarasota, Florida.

5. Respondent was assigned to care for Resident M.L., an 83 year-old female, during the 3:00 p.m. to 11:00 p.m. shift on April 7, 2004.

6. On or about April 7, 2004, at approximately 8:30 p.m., Respondent was conducting her medication pass and was in another resident's room drawing up insulin for that particular resident.

7. Respondent responded to a call light for Resident M.L. and immediately went to assist Resident M.L. Respondent still had the insulin syringe in her hand.

8. Patient M.L. is a diabetic and after Respondent finished assisting Resident M.L. she administered the insulin, she had drawn for the other resident, to Resident M.L. Respondent gave Resident M.L. 30u Lantus.

9. Respondent immediately realized she had administered the medicine to the wrong resident.

8. Section 464.018(1)(n), Florida Statutes (2003), provides that failing to meet minimal standards of acceptable and prevailing nursing practice constitutes grounds for disciplinary action by the Board of Nursing.

9. Rule 64B9-8.005(2)(b), Florida Administrative Code, provides that failing to meet minimal standards of acceptable and prevailing nursing practice shall include administering medications or treatments in a negligent manner.

10. Respondent failed to meet minimal standards of acceptable and prevailing nursing practice by negligently administering medications and/or treatment to the wrong Resident. Respondent administered insulin to Resident M.L. that was intended for another Resident.

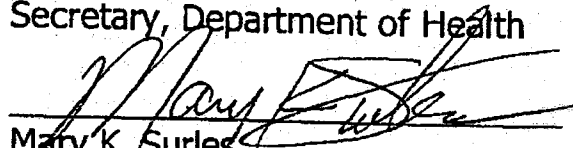
11. Based on the foregoing, Respondent violated Section 464.018(1)(n), Florida Statutes (2003), by failing to meet minimal standards of acceptable and prevailing nursing practice, as further defined in Rule 64B9-8.005(2)(b), Florida Administrative Code, to include administering medications or treatments in a negligent manner.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties:

- ① permanent revocation or suspension of Respondent's license, ② restriction of practice, ③ imposition of an administrative fine, ④ issuance of a reprimand, ⑤ placement of the Respondent on probation, ⑥ corrective action, refund of fees billed or collected, ⑦ remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 21st day of December, 2004.

John O. Agwunobi, M.D., M.B.A.
Secretary, Department of Health


Mary K. Surles
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar No.: 0230560
(850) 414 - 8126 Telephone
(850) 414 - 1991 Facsimile

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Heather Coleman
DATE 12-21-04

/MKS

Reviewed and approved by: DICK (initials) 10/15/04 (date)

PCP: 12-16-04
PCP Members: N. BIRN
E. BIABA

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

APPROVED this 3rd day of March, 2005 *WSB*

John O. Agwunobi, M.D.
Secretary, Department of Health

Wings S. Benton
By: *Wings S. Benton*
Deputy General Counsel

Counsel for Petitioners
Yolonda Y. Green *(Signature)*
Assistant General Counsel
FBN: 0738115
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, BIN #C-65
Tallahassee, Florida 32399-3265

STATE OF FLORIDA
DEPARTMENT OF HEALTH

PROSTON REGULATION
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DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO. 2004-19682

Jacqueline Brown, L.P.N.,

Respondent.

SETTLEMENT STIPULATION

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Stipulation to the Board of Nursing as disposition of the Administrative Complaint, attached hereto as Exhibit "A", in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Stipulation is issued by the Board and filed. In considering this Stipulation, the Board may review all investigative materials regarding this case. If this Stipulation is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. Respondent is a LICENSED PRACTICAL NURSE in the State of Florida holding license number 5155382.
2. The Respondent is charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapters 456 and/or 464, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

3. Respondent neither admits nor denies the factual allegations contained in the Administrative Complaint.

STIPULATED LAW

1. Respondent admits that she is subject to the provisions of Chapters 456 and 464, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of laws as alleged in the Administrative Complaint.

3. Respondent admits that the Stipulation is a fair, appropriate and reasonable resolution to this pending matter.

PROPOSED DISPOSITION

1. The Board of Nursing shall reprimand the license of the Respondent.

2. The Board of Nursing shall impose an administrative fine of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** against the license of the Respondent. Respondent shall pay administrative costs in an amount not to exceed **ONE THOUSAND NINE HUNDRED FORTY ONE DOLLARS AND FORTY-ONE CENTS \$1,941.41**. The fine and costs are to be paid by the Respondent to the Board of Nursing within six months of the filing of a Final Order accepting and incorporating this Stipulation. However, if the Respondent is in the Intervention Project for Nurses (IPN), the payment is due **prior** to completion of IPN. If the Respondent's license is suspended by the terms of this stipulation, the payment is due **prior** to the application for reinstatement of the license. If the Respondent is placed on probation, the payment is due prior to the completion of the probationary period. The Respondent has the responsibility to document financial hardship **prior** to the due date of the payment. Payment must be by money order. Partial payments shall be accepted. Please send

payments to the Department of Health, Division of MQA/Client Services Unit, P.O.Box 6320, Tallahassee, Florida 32314-6320.

3. The Respondent shall not violate Chapter 456 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing. Violation of an order from another state/jurisdiction shall constitute grounds for violation of the Board Order adopting this Stipulation.

4. The Respondent shall enroll in and successfully complete a board approved continuing education course on the following topic/s: **MEDICATION ADMINISTRATION**. This shall be in addition to continuing education courses required for biennial renewal of licensure. Verification of course content and course completion must be submitted to the Compliance Officer within six (6) months from the date of the Board's Order incorporating this stipulation. If a course is not available, the Board office should be promptly contacted for approval of preceptorship training at the Respondent's place of employment. ↗

5. It is expressly understood that this Stipulation is subject to the approval of the Board and Department and has no force and effect until an Order is entered adopting the Stipulation.

6. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action by the Board of Nursing regarding the acts or omissions specifically set forth in the Administrative Complaint attached hereto. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Stipulation. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that presentation to, and consideration of, this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

Respondent shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law.

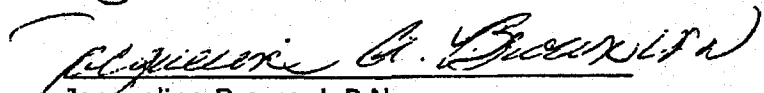
7. Respondent and the Department fully understand that this joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached hereto. This Stipulation relates solely to the current disciplinary proceedings arising from the above-mentioned Administrative Complaint and does not preclude further action by other divisions, departments, and/or sections of the Department, including but not limited to the Agency for Health Care Administration's Medicaid Program Integrity Office.

8. The Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

9. Respondent waives all rights to appeal and further review of this Stipulation and these proceedings.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

SIGNED this 24th day of January, 2004.


Jacqueline Brown, L.P.N.

Before me personally appeared Jacqueline A. Brown whose identity is known to be by Drivers license *FL B6SD401445630 (type of identification), and who under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed by Respondent before me this 24th day of January, 2005

Tracy L. Harbiles
Notary Public



Tracy L. Harbiles
My Commission DD306943
Expires April 05, 2008

My Commission Expires: 4/5/08



Jeb Bush
Governor

John O. Agwunobi, M.D., M.B.A.
Secretary

*8/31/05
copy to
Daw for my
file*

August 22, 2005

Jacqueline Brown
450 Treasure Road
Venice, Florida 34233

Case #(s): 2004-19682
File Date: 4/22/05

Dear Ms. Brown:

Pursuant to the above-cited Order(s), you were required to complete specific terms. After a review of your file, it appears that you have completed the requirements of your Order(s). Please be advised, your Florida licensure status is now reflected as Clear.

I hope you find this information helpful. If you have any questions in regards to this letter, you may contact me via my e-mail address, which is tawanda_washington@doh.state.fl.us or by telephone at (850) 245-4191 ext. 3770.

Sincerely,

Tawanda Washington
Tawanda Washington
Compliance Officer