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.
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of License Number 613759	§	**AGREED**
issued to BRENDA SMITH O'KEEFE	§	**ORDER**

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referr to as the Board, considered the matter of BRENDA SMITH O'KEEFE, License Number 613759, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), Texas Occupations Code. Respondent is represented by Victoria Warner, Attorney at Law. Respondent waived a hearing, and agreed to the entry of this Order.

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 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 a Bachelor of Science in Nursing from Texas Woman's University, Denton, Texas, on February 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas in February 14, 1995.

5. Respondent's professional employment history is unknown.

6. On or about January 14, 2000, while employed at Plano Rehabilitation Hospital, Plano, Texas, Respondent engaged in the intemperate use of alcohol in that Respondent produced a specimen which tested positive for alcohol. The behavioral history of intemperate use of alcohol is conduct that demonstrates lack of fitness to practice and good professional character and that Respondent's continuing to practice professional nursing poses a risk of harm to the client or other person.

7. On or about January 20, 2000, while employed at Plano Rehabilitation Hospital, Plano, Texas, Respondent engaged in the intemperate use of alcohol in that Respondent produced a specimen which tested positive for alcohol. The behavioral history of intemperate use of alcohol is conduct that demonstrates lack of fitness to practice and good professional character and that Respondent's continuing to practice professional nursing poses a risk of harm to the client or other person.

8. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

10. Respondent's conduct described in Finding Number Six (6) and Seven (7) resulted from and was significantly influenced by Respondent's impairment by chemical dependency.

11. Respondent has submitted substantial evidence that demonstrates her participation in COPAC, a substance abuse facility in Mississippi, and her compliance with its requisite testing and abstinence from chemical substances. This evidence supports her contention that she has abstained since entering the facility in February 2000.

12. Respondent's compliance with the terms of a Board approved peer assistance program or an approved alternative program offered by a Nurse Licensure Compact state should be sufficient to protect patients and the public.

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 violation of Section 301.452(b)(9) & (12), Texas Occupations Code.

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 613759, heretofore issued to BRENDA SMITH O'KEEFE, including revocation of Respondent's professional license to practice nursing in the State of Texas.

5. The Board, in its discretion, may order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

6. The Board, in its discretion, may in lieu of licensing action order Respondent to comply with an alternative nurse monitoring program of another jurisdiction which is a member of the Nurse Licensure Compact pursuant to § 220.3 and Article 5(f) of § 304.001, Texas Occupations Code (Nurse Licensure Compact).

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ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) or the terms of monitoring agreed to pursuant to the authority of the Nurse Licensure Compact:

TPAPN Option

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

Multistate Licensure

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, 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, SHOULD RESPONDENT choose to practice in another jurisdiction pursuant to a multistate licensure privilege or apply for licensure in another jurisdiction that is a member of the Nurse Licensure Compact, she may participate in an alternative program of monitoring for chemical dependency offered by the party state Board in lieu of licensing action. RESPONDENT SHALL receive prior written authorization from both the Texas Board of Nurse Examiners and the party state Board.

Mississippi Alternative to TPAPN

IT IS FURTHER AGREED, and ORDERED that this order constitutes written permission for Respondent to participate in Mississippi's alternative program for chemical dependency in lieu of the TPAPN option provided Respondent applies and is accepted within forty-five (45) days following the date of entry of this final Order, and remains enrolled in Mississippi's alternative program for two (2) years. RESPONDENT SHALL NOT practice in any other party state during the term of the alternative program without prior written authorization from the Board of Nurse Examiners for the State of Texas.

Remedy for Further Violation

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN or in the alternative, a program of monitoring for chemical dependency offered by a party State Board, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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 professional nursing in the State of Texas.

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 violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7 day of December, 2001.

Brenda S. O'Keefe

BRENDA SMITH O'KEEFE, Respondent

Sworn to and subscribed before me this 7 day of December, 2001.

SEAL

Notary Public State of Mississippi At Large
My Commission Expires: November 26, 200
Bonded Thru Holden, Brooks & Garland

Notary Public in and for the State of _____

Christi L. Kaldon

CHRISTI L. KALDON NOTARY PUBLIC RANKIN COUNTY, MS

Approved as to form and substance.

Victoria Warner

VICTORIA WARNER, Attorney for Respondent

Signed this 11th day of December, 2001.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 7th day of December, 20 01, by BRENDA SMITH O'KEEFE, License Number 613759, and said Order is final.

Entered and effective this 24th day of January, 20 02.

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