



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.
Patricia A. Brannon
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § REINSTATEMENT
License Number 622930 §
issued to VERGIE MAE BRANNON § AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 622930, held by VERGIE MAE BRANNON, hereinafter referred to as Petitioner.

An informal conference was conducted on February 2, 2016, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code. Petitioner appeared in person.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Baccalaureate Degree in Nursing from The University of Tennessee, Chattanooga, Tennessee, on April 30, 1989, and received a Master's Degree in Nursing from the Gerontological Nurse Practitioner Program, Vanderbilt University, Nashville, Tennessee, on August 11, 1995. Petitioner was licensed to practice professional nursing in the State of Texas on October 10, 1995, and was licensed to practice advanced practice registered nursing in the State of Texas in the role of Gerontological Nurse Practitioner on October 31, 1995, and in the role of Gerontological Nurse Practitioner with Prescription Authorization on June 17, 1998.

4. Petitioner's nursing employment history includes:

1995 - 1999	GNP	Veteran's Administration Hospital Dallas, Texas
2000 - 2004	GNP	Dr. Thomas Dallas, Texas

Petitioner's nursing employment history continued:

2005	GNP	Self employed
2006 - 2008	GNP/Nurse Manager	Terrell State Hospital Terrell, Texas
2009 - present	Not employed in nursing	

5. On April 8, 2009, the Board accepted the Voluntary Surrender of Petitioner's advanced practice registered nurse license with prescriptive authority and Petitioner's license to practice professional nursing in the State of Texas through an Agreed Order. A copy of the April 8, 2009, Agreed Order, Findings of Facts and Conclusions of Law is attached and incorporated herein by reference as part of this Order.
6. On or about August 10, 2015, Petitioner submitted a Petition for Reinstatement of License to practice professional and advanced practice nursing in the State of Texas. On June 2, 2016, Petitioner withdrew her petition for reinstatement of license to practice advanced practice nursing in the State of Texas.
7. Petitioner presented the following in support of her petition:
 - 7.1. Letter, dated February 10, 2011, from Josefina I. Rodriguez, U.S. Probation Officer, U.S. District Court, Probation and Pretrial Services, Northern District of Texas, Garland, Texas, regarding Termination of Supervision Case No. 3:08CR00145. Ms. Rodriguez states Petitioner's file is being closed effective February 04, 2011, therefore, she is no longer required to report to their office.
 - 7.2. Letter, dated February 5, 2015, from John R. Parker, Acting US Attorney, Jo Stevens, Asset Recovery Unit, US Department of Justice, Northern District of Texas, Fort Worth, Texas, stating Petitioner's debt is now satisfied and paid in full.
 - 7.3. Letter of support, dated August 15, 2015, from Gary L. Harrison CRNA JD, Palmer, Texas, stating states he has known Petitioner over sixteen (16) years both professionally and personally. Petitioner has worked tirelessly in the care of her patients. Petitioner has continued her education to better provide for the care of her future patients. Mr. Harrison continues that Petitioner has completed every task the Board has asked of her and more, and she is deserving of a second chance to participate in the profession she so loves and excels at.
 - 7.4. Letter of support, dated August 17, 2015, from Cynthia Guidry APN, Royce City, Texas, stating she has known Petitioner for over twenty (20) years. Petitioner is deeply remorseful of her choices and has sworn never to jeopardize her professional character again. She worked diligently to meet the sanctions imposed upon her. All fines are paid and legal obligations have been met. Ms. Guidry explains that

Petitioner has completed a full year of classes at Dallas Baptist University toward her Master's Degree in Teaching. Petitioner has worked in the state's public school system as a substitute teacher for three (3) years and then a full time teacher for the past year. The same energy and enthusiasm Petitioner gave to the nursing profession continues to be displayed in the teaching profession. As a member of the nursing profession, Ms. Guidry would like to see Petitioner display this type of passion to nursing again. Ms. Guidry has volunteered to mentor/reorient Petitioner as soon as she is reinstated.

- 7.5. Letter of support, dated August 13, 2015, from Sh'Voyné E. Claybon, Tyler, Texas, stating she has had a personal and professional relationship with Petitioner for over twenty (20) years and she has been a professional and personal mentor. Ms. Claybon continues that Petitioner has been tirelessly volunteering in Rockwall County, Texas' GED program as well as continuing course work toward her Master's Degree in Teaching. Petitioner loves working with people of her community. She has devoted her professional and academic energy toward being a resource to others. Despite Petitioner's other endeavors, she strongly desires to return to the nursing profession as soon as she can.
- 7.6. Documentation of the required continuing education contact hours.
8. On March 14, 2016, Petitioner underwent a forensic psychological evaluation conducted by Brian E. Pope, PhD. Dr. Pope concluded that there is no evidence of any other criminal allegations of any type or any adjudications. There was nothing in her test results which indicated a high probability of unprofessional conduct, and with the standard retraining courses to get her back up to speed, nothing to suggest a high probability that she would not be able to consistently perform the standard nursing duties appropriately.
9. On or about May 23, 2016, Petitioner underwent a polygraph examination conducted by Robert J. Harden, Security Consultant Services, Mesquite, Texas. Mr. Harden's evaluation of polygrams indicated they were not indicative of deception.
10. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Tex. Admin. Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character and relicensure.
11. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
11. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

3. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Tex. Admin. Code §213.27, and pursuant to 22 Tex. Admin. Code §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
4. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

TERMS OF ORDER

I. REINSTATEMENT OF LICENSURE

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of VERGIE MAE BRANNON for reinstatement of license to practice professional nursing in the State of Texas be **GRANTED** and Registered Nurse License Number 548084 is hereby **REINSTATED** in accordance with the terms of this Order.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, PETITIONER agrees to obtain, read, and 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.

- A. This Order SHALL be applicable to PETITIONER's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- B. PETITIONER may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where PETITIONER wishes to work.

III. REQUIREMENTS FOR REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN PROFESSIONAL REGISTERED NURSING

Prior to practicing as an registered nurse in the State of Texas, PETITIONER

SHALL:

- A. **Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Professional Registered Nursing** for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in professional registered nursing. The application for the Six Month Temporary Permit is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Six Month Permits. PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in professional registered nursing.
- B. **Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for professional registered nursing. Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment.** In order for the course to be approved, the target audience shall include registered nurses and the course's content shall, at a minimum, include: 1) Review of NPA, Rules, Position Statements; 2) Determination of Individual Scope of Practice and role in patient safety; 3) Review of the nursing process to include assessment, planning, implementation, and evaluation; 4) Pharmacology review; 5) Medication administration; 6) Documentation, quality assurance, and legal implication for nursing practice; and, 7) Documentation of current CPR certification prior to beginning precepted clinical learning experience. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care supervised by a qualified registered nurse instructor who meets or exceeds the Board's minimum criteria for eligibility as an instructor. Home study courses and video programs will not be approved.
- C. **Upon completion of the refresher course, extensive orientation, or nursing program of study for professional registered nursing,** PETITIONER SHALL return the temporary permit to the Board's office and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required 80 hours of supervised practice.
- D. **Upon verification of successful completion of the conditions** as set out in Paragraphs A through C of this Section, PETITIONER SHALL submit a completed License Reactivation Form for Registered Nurses, which is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Renewals / Reactivation Renewal. PETITIONER shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be issued the applicable license to practice registered nursing in the State of Texas, which shall be subject to the terms of this Order.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) **within one (1) year of relicensure, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) 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. Home study courses and video programs will not be approved.
- B. **The course "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/these course(s), PETITIONER SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. PETITIONER SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER must work as a nurse, providing direct patient care in a clinical healthcare setting, **for a minimum of sixty-four (64) hours per month** for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months **will not count towards completion of this requirement.** Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period **and will not count towards completion of this requirement.**

- A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers in nursing and present each with a complete copy of this of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Indirect Supervision:** PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

With the exception of Advanced Practice Registered Nurse License Number AP106822, upon full compliance with the terms of this Order, all other encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER may be eligible for nurse licensure compact privileges, if any.

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

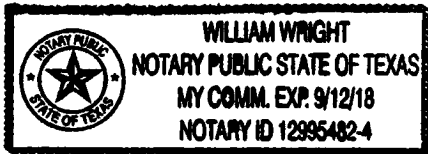
Signed this 27th day of June, 2016.

Vergie M. Brannon
VERGIE MAE BRANNON, Petitioner

Sworn to and subscribed before me this 27th day of June, 2016.

SEAL

William Wright
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 27th day of June, 2016, by VERGIE MAE BRANNON, Registered Nurse License Number 622930, and said Order is final.

Effective this 9th day of August, 2016.



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

5. Respondent's employment history includes:

8/1989 - 2007	Unknown	
2006, - 2008	Gerontological Nurse Practitioner	Terrell State Hospital Terrell, Texas
2009	Unknown	

6. On or about October 30, 2007, Respondent plead guilty to the federal crime of Health Care Fraud, a violation of 18 USC §§ 1347 and 24(b) in the US District Court, Northern District of Texas, including that between November 2001 and March 1, 2006, Respondent:
- Submitted fraudulent claims as a Gerontological Nurse Practitioner to Medicare and Medicaid seeking reimbursement for the cost of nursing services allegedly provided to Medicare and Medicaid beneficiaries;
 - Concealed the submission of fraudulent Medicare and Medicaid claims, the receipt and transfer of fraudulently obtained proceeds; and
 - Diverted the fraudulently obtained proceeds for her personal use and benefit.
- On or about October 8, 2008, Respondent's plea was entered and Respondent was adjudicated guilty, sentenced to be imprisoned for sixty (60) days followed by two (2) years supervised release, and ordered to pay restitution to Medicare and Medicaid Services in the amount of \$16,760.56.
7. On or about October 2008 through November 13, 2008, while employed at Terrell State Hospital, Terrell, Texas, Respondent failed to self-report that she had been adjudicated guilty of Health Care Fraud to her employer, as required. Instead, Respondent resigned her position and informed her employer that she was going to do writing and research. Respondent's conduct was deceptive.
8. Respondent, by her signature to this Order, expresses her agreement to voluntarily surrender her license to practice professional and advanced practice nursing in the State of Texas.

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)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(A),(6)(G),(6)(H),(6)(I), (11)(B)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 622930, heretofore issued to VERGIE MAE BRANNON, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 622930, heretofore issued to VERGIE MAE BRANNON, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to VERGIE MAE BRANNON, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional or advanced practice nursing, use the title "registered nurse," "advanced practice nurse," or "nurse practitioner," or use the abbreviation "RN", "APN", or "NP," or wear any insignia identifying herself as a registered or advanced practice nurse, or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered or advanced practice nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

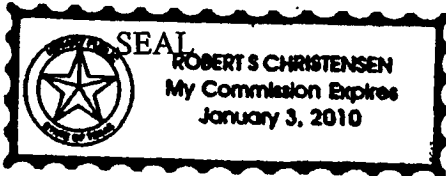
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 2ND day of April, 2009

Vergie Brannon
VERGIE MAE BRANNON, Respondent

Sworn to and subscribed before me this 2 day of April, 2009.




[Signature]
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 622930, previously issued to VERGIE MAE BRANNON.



Effective this 8th day of April, 2009.


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