

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 193537 § AGREED
issued to KATHERINE LEE BROOKS § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 193537, issued to KATHERINE LEE BROOKS, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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, 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 invalid due to Respondent's home state being Arizona, a compact state.
4. Respondent received a Certificate in Vocational Nursing from the United States Army Practical Nurse Course at Fort Sam Houston, San Antonio, Texas on April 16, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on June 8, 2004.

5. Respondent's vocational nursing employment history includes:

June 2004 - January 2005	Unknown
February 2005 - April 2007	LVN Scottsdale Healthcare Osborn Scottsdale, AZ
May 2007 - Present	Unknown

6. On or about October 5, 2007, Respondent's license to practice practical nursing in the State of Arizona was placed on Probation by the Arizona State Board of Nursing, Phoenix, Arizona. A copy of the Findings of Fact, Conclusions of Law, and Order dated October 5, 2007, is attached and incorporated, by reference, as part of this Order.
7. Respondent submitted a letter to the Board dated December 6, 2007, in which she states her desire to voluntarily surrender her license to practice vocational nursing in the State of Texas. Respondent feels it is better for her to surrender her license rather than risk future non-compliance with a previously proposed Order of the Board. Respondent states that she would be unable to complete an ethics and Texas jurisprudence course while in Arizona. Respondent is unsure if she plans to move back to Texas but she states that if she does then it would not be until after she completes her current Order in Arizona.
8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice vocational nursing in the State of Texas.
9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. 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.

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 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 193537, heretofore issued to KATHERINE LEE BROOKS, including revocation of Respondent's vocational 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 Vocational Nurse License Number 193537, heretofore issued to KATHERINE LEE BROOKS, 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 KATHERINE LEE BROOKS, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational 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; and, RESPONDENT has

obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

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 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 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.

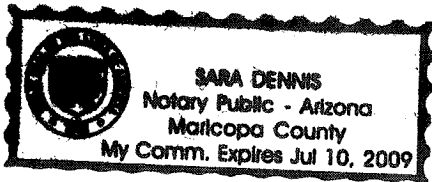
Signed this 8 day of January, 2008.

Katherine Lee Brooks

KATHERINE LEE BROOKS, Respondent

Sworn to and subscribed before me this 08 day of January, 2008.

SEAL



Sara Dennis

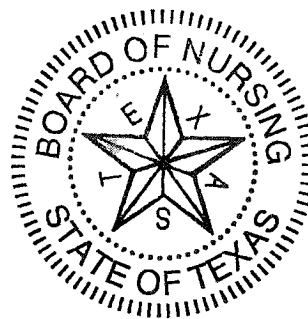
Notary Public in and for the State of Arizona

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 193537, previously issued to KATHERINE LEE BROOKS.

Effective this 11th day of January, 2008.

Katherine A. Thomas

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



BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF THE APPLICATION)
FOR PROFESSIONAL NURSE LICENSURE)
BY EXAMINATION AND PRACTICAL NURSE)
LICENSURE BY ENDORSEMENT)
KATHERINE LEE BROOKS)
APPLICANT)

CONSENT AGREEMENT
AND
ORDER NO. 0704117

CONSENT AGREEMENT

A complaint charging Katherine Lee Brooks ("Applicant") with violation of the Nurse Practice Act has been received by the Arizona State of Nursing ("Board"). In the interest of prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F) (5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

ARIZONA DEPARTMENT NURSING
10/05/07 2:37PM 001#5816 B
MISCELLANEOUS \$1000.00
#504110212
CHARGE4 \$1000.00

FINDINGS OF FACT

1. From on or about February 14, 2005 to on or about April 2, 2007, Applicant was employed as a practical nurse, under her Texas vocational nurse license, in the float pool at Scottsdale Healthcare in Scottsdale, Arizona. Applicant did not have valid multistate licensure privilege.

ARIZONA DEPARTMENT NURSING
10/05/07 2:37PM 001#5816 A
LPN CIV PEN \$1000.00
#32758726

2. On or about March 28, 2007, while working at Scottsdale Healthcare, Applicant submitted to urine dug screening as a the result of a Pyxis discrepancy involving Dilaudid.

3. On or about March 28, 2007, Applicant's urine dug screen was positive for cocaine. Applicant's urine was not tested for hydrocodone, a metabolite of Dilaudid. Applicant denied diversion of Dilaudid.

4. On or about April 2, 2007, Applicant's employment with Scottsdale Healthcare was terminated for violating Scottsdale Healthcare policies. Applicant was made ineligible for rehire.
5. On or about April 2, 2007, Applicant self-reported her positive drug screen to the Arizona State Board of Nursing. Applicant denied chronic drug use, but admitted she had tried cocaine before.
6. On or about May 21, 2007, Applicant applied for professional nurse licensure by examination.
7. On or about August 22, 2007, Applicant submitted to random urine drug screening at the request of Board staff. Applicant's urine drug screen was negative. Applicant subsequently voluntarily enrolled in a random drug screening program.
8. On or about August 29, 2007, Applicant's multi-state privilege granted by her Texas license was invalidated, because Applicant had changed her primary state of residence from Texas to Arizona in 2005. Applicant violated the Nurse Licensure Compact Model Rules and Regulations when she failed to apply for Arizona license within 30 days of changing her permanent state of residence.
9. On or about August 29, 2007, Applicant applied for practical nurse licensure by endorsement.
10. On or about September 12, 2007, Applicant's random urine drug screen was negative.
11. On or about September 18, 2007, Applicant voluntarily underwent a substance abuse evaluation by Phillip Lett, Ph.D. Dr. Lett opined Applicant did not meet the criteria for a substance dependency disorder, but had risk factors for developing a substance use disorder. Dr.

Lett recommended Applicant undergo 8 sessions of individual counseling within a two month period to assess and address substance use disorder risk factors.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1641; A.R.S. § 32-1663(A) as defined in § 32-1601 (16) (d), (g), and (j); A.R.S. § 32-1666; A.A.C. R4-19-403 (B) (17), (18), (24), and (31), (adopted effective November 13, 2005); A.R.S. 32-1668, Article II (E), (H) ; Article III (A); Article IV (B), (D), R4-19-311.

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1663(A) to deny, or issue a conditional license to Applicant.

Applicant admits the Board's Findings of Fact and Conclusions of Law.

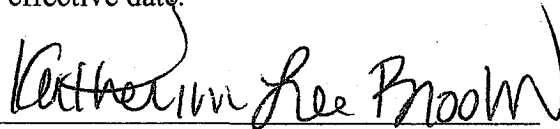
In lieu of a formal hearing on these issues, Applicant agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to the Order except in the limited circumstance(s) specified in Paragraph 18 of this Order.

Applicant understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Applicant understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Applicant understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

Applicant understands that this Consent Agreement is effective upon its acceptance by the Board and by Applicant as evidenced by the respective signatures thereto. Applicant's signature obtained via facsimile shall have the same effect as an original signature. Once signed by the Applicant, the agreement cannot be withdrawn without the Board's approval or by stipulation between Applicant and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Applicant. If the Consent Agreement is signed on different dates, the later date is the effective date.



Applicant

Dated: 10/5/07

ARIZONA STATE BOARD OF NURSING



Joey Ridenour, R.N., M.N.
Executive Director

Dated: September 20, 2007

MUNGER/BROOKS

ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Applicant, the Board hereby issues the following Order:

A. Applicant's consent to the terms and conditions of the Order and waiver of public hearing is accepted.

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B. Upon acceptance by the Board and the Applicant of this consent agreement as evidenced by their respective signatures on this consent agreement and **prior** to granting a practical nursing license, the same is assessed a civil penalty in the amount of \$ 1,000.00. Applicant's practical nursing license is placed on probation for a minimum of twenty four months. Upon meeting all requirements for professional nurse licensure, Applicant's RN license will be granted, subject to terms and conditions of this consent agreement. Prior to termination of probation, Applicant shall work as a practical or professional nurse for a minimum of 12 months, (not less than sixteen hours a week).

C. Applicant shall pay the Civil Penalty, in full, via cash, cashier's check or money order before the practical nursing license is granted. No personal checks or business checks are accepted.

D. If Applicant fails to pay the Civil Penalty, in full, with 60 days of the effective date of the Consent Agreement and Order, the applications for licensure are **denied** based on the facts presented in the investigative report.

E. If Applicant is found to be chemically dependent or in need of substance abuse treatment, the minimum time of probation will be extended to 36 months, and will include the Board's standard requirements to attend Alcoholics Anonymous, Nurse Recovery Group, and complete Intensive Outpatient Treatment and Aftercare.

F. This Order becomes effective upon the Board and Applicant's acceptance of the Consent Agreement. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Applicant. If the Consent Agreement is signed on different dates, the later is the effective date. Probation is to commence the effective date of this Order.

G. If Applicant is noncompliant with any of the terms of the Order, Applicant's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Applicant's nursing licenses.

H. If Applicant is convicted of a felony, Applicant's licenses shall be automatically revoked for a period of five years. Applicant waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

I. Probation is subject to the following terms and conditions:

TERMS OF PROBATION

1. **Stamping of License**

Upon acceptance by the Board and the Applicant of this Consent Agreement as evidenced their respective signatures on this Consent Agreement, Applicant will be granted a practical nursing license stamped "Probation." While this consent agreement is in effect, if the Board issues any licenses or certificates authorized by statute except a nursing assistant certificate, such certificate or license shall be stamped "Probation." Applicant is not eligible for a multistate "Compact" license.

2. **Psychological Counseling**

Within thirty days of the effective date of this Order, Applicant shall submit to the Board for approval the name of a treatment professional of Applicant's choice to conduct psychological counseling for substance abuse. Within seven days of receipt of approval from the Board Applicant shall make an appointment to begin participation in treatment. Applicant shall execute the appropriate release of information form(s) to allow the treating professional(s) to communicate information to the Board or its designee, and Applicant shall immediately provide a copy of the entire Consent Agreement and Dr. Lett's evaluation to

all treating professional(s). Within seven days of the beginning of treatment, Applicant shall cause any and all treating professional(s) to provide written verification of enrollment in treatment and verifying receipt of the consent agreement. Thereafter, Applicant shall cause any and all treating professional(s) to provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Applicant. Applicant shall continue undergoing treatment until the treating professional(s) notify the Board, in writing on letterhead, that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professional(s).

3. Drug Testing

Within 7 days of the effective date of this Order, Applicant shall enroll in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of once per month and may be required more frequently as requested by the Board or its designee. Applicant shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Applicant is unable to submit a specimen on a date requested due to illness, Applicant must provide in writing within 7 days of the missed specimen, documentation from a medical provider who has personally seen Applicant on the day of the requested drug test confirming that Applicant was not physically able to report to the laboratory for drug testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug test on a day when a drug test has been requested by either the Board, its designee, or the laboratory; and submission of a urine sample that is below the acceptable volume or temperature to be tested. A positive drug test showing

evidence of any drug other than an authorized drug shall result in immediate notification of Applicant's employer by the Board.

4. Abstain from Alcohol Use

Applicant shall abstain completely from the personal use of alcoholic beverages within twelve hours prior to working in any capacity involving nursing licensure.

5. Abstain From Unauthorized Drug Use/Proof of Prescription

Applicant shall abstain completely from the personal use or possession of controlled substances, as defined in the State Controlled Substances Act, and dangerous drugs as defined by law, or any drugs requiring a prescription.

Orders prohibiting Applicant from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Applicant for a bona fide illness or condition by a medical provider. During the duration of this Order, Applicant shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized by Applicant. Applicant shall immediately submit to that provider a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and shall execute all release of information form(s) as required by the Board or its designee. The medical provider shall, within one week of the effective date of the consent agreement, inform the Board, in writing, of knowledge of Applicant's Order and provide a list of medications prescribed for Applicant. DURING THE DURATION OF THE CONSENT AGREEMENT, APPLICANT SHALL CAUSE ALL PROVIDERS TO NOTIFY THE BOARD OF ANY ADDITIONAL MEDICATIONS ORDERED BY THE PROVIDER. THE NOTIFICATION SHALL BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S ISSUANCE OF THE PRESCRIPTION.

If Applicant has a lawful prescription for a narcotic or mood-altering drug, Applicant shall cause her prescribing provider to submit monthly reports to the Board by the 30th day of each month regarding the continued need for the prescribed narcotic or mood-altering medications. The Board or its designee may, at any time, request the provider to document the continued need for prescribed medications. Applicant shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board or its designee.

6. Notification of Practice Settings

Any setting in which Applicant accepts employment, which requires RN/LPN licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within seventy-two hours of Applicant's date of hire, Applicant shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Applicant is attending a nursing program, Applicant shall provide a copy of the entire Consent Agreement and Order to the Program Director. Applicant shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

7. Quarterly Reports

Within 30 days of the effective date of this Order, and quarterly thereafter, Applicant shall cause every employer Applicant has worked for during the quarter to submit to the Board, in writing, employer evaluations on the Board-approved form. Receipt of notice of an

unsatisfactory employer evaluation, verbal or written warning, counseling or disciplinary action, or termination from a place of employment shall constitute a violation of this paragraph. In the event Applicant is not employed in nursing or attending school during any quarter or portion thereof, Applicant shall submit to the Board, in writing, a self-report describing other employment or activities on the Board-approved form.

8. Practice Under On-Site Supervision

Applicant shall practice as a professional/practical nurse or in a student nurse capacity, only under the on-site supervision of a professional nurse in good standing with the Board. On-site supervision is defined as having a professional nurse in present in the building while Applicant is on duty. The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Applicant's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Applicant shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and the new supervising nurse's agreement to comply with the conditions of probation within seven days of assignment of a new supervising nurse.

9. Acceptable Hours of Work

Applicant can work any shift as long as the on-site supervision requirement is met. Within a 14-day period Applicant shall not work more than 84 scheduled hours.

Applicant may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Applicant may not work more than 3 consecutive 12-hour shifts during this probationary period. Applicant shall not work 2 consecutive 8 hour shifts within a 24 hour period or be scheduled to work 16 hours within a 24 hour period.

10. Registry Work Prohibited

Applicant may not work for a nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status.

11. Out-of-State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must first be approved by the Board prior to leaving the state. If Applicant fails to receive such approval before leaving the state, none of the time spent out-of-state will be credited to the fulfillment of the terms and conditions of this Order.

12. Release of Information Forms

Applicant shall sign all release of information forms as required by the Board or its designee and return them to the Board within 10 days of the Board's written request. If Applicant fails to execute the releases, her license shall be reviewed by the Board for consideration of possible further discipline on Applicant's license.

13. Interview With the Board or Its Designee

Applicant shall appear in person or if residing out of state telephonically for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

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14. Renewal of License

In the event the license is scheduled to expire while this Order is in effect, Applicant shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualification to practice nursing in Arizona.

15. Change of Employment/Personal Address/Telephone Number

Applicant shall notify the Board, in writing, within one week of any change in nursing employment, personal address or telephone number.

16. Obey All Laws

Applicant shall obey all federal, state and local laws, and all laws/rules governing the practice of nursing in this state. Offenses such as driving under the influence may subject Applicant to further disciplinary action, however, commission of minor civil traffic moving violations are excluded.

17. Costs

Applicant shall bear all costs of complying with this Order.

18. Violation of Probation

If Applicant is noncompliant with this Order in any respect, the Board or its designee may notify Applicant's employer of the noncompliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Order after affording Applicant notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Applicant during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

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19. Voluntary Surrender of License

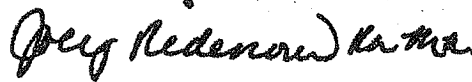
Applicant may, at any time this Order is in effect, voluntarily request surrender of her licenses.

20. Completion of Probation

Upon successful completion of the terms of probation, Applicant shall request formal review by the Board, and after formal review by the Board, Applicant's nursing license may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

ARIZONA STATE BOARD OF NURSING

SEAL



Joey Ridenour, R.N., M.N.
Executive Director

Dated: September 20, 2007

JR/SMM:smm

Signed in the Board office this 5th day of October, 2007.

By: Sydney M. Murray
Legal Secretary NPC

Signed copy mailed this 9th day of September, 2007, by First Class Mail to:

Katherine Lee Brooks
3500 N Hayden Road, #1203
Scottsdale, Arizona 85251

By: Esther Garcia

