

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 168697 § AGREED
issued to BRANDI ONITA REIGLE § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 168697, issued to BRANDI ONITA REIGLE, 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 in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Ranger Junior College - Brownwood Extension, Brownwood, Texas, on August 8, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on September 17, 1998.
5. Respondent's vocational nursing employment history includes:

October 1998 - October 1999

Staff LVN
Care Inc.
Brownwood, Texas

Respondent's vocational nursing employment history continued:

November 1999 - 2001	Staff LVN Brownwood Care Center Brownwood, Texas
January 2002 - September 2003	Staff LVN Goldthwaite Senior Health Goldthwaite, Texas
November 2002 - September 2003	Staff LVN Songbird Lodge Brownwood, Texas
November 2003 - June 2004	Staff LVN Care Inc. Brownwood, Texas
May 2004 - October 2004	Staff LVN Western Hills Comanche, Texas
November 2004 - February 2005	Staff LVN Cross Country Healthcare Center Brownwood, Texas
March 2005 - Present	Unknown

6. On June 10, 2003, Respondent's license to practice vocational nursing in the State of Texas was SEVERELY REPRIMANDED by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Agreed Order dated June 10, 2003, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Cross Country Healthcare Center, Brownwood, Texas, and had been in this position for three (3) months.
8. On or about February 15, 2005, while employed with Cross Country Healthcare, Brownwood, Texas, Respondent lacked fitness to practice vocational nursing in that she exhibited characteristics of being impaired including, but not limited to: closing her eyes while talking, dilated pupils, unsteady gait, slurred speech, and locking herself in the restroom stall. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to

make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

9. On or about February 15, 2005, while employed with Cross Country Healthcare, Brownwood, Texas, Respondent misappropriated Oxycodone from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. On or about December 14, 2006, Respondent plead guilty to, and was convicted of "Knowingly Obtaining a Controlled Substance, Namely Oxycodone, by Fraud, Deception or Subterfuge," a Third Degree Felony in the 35th Judicial District Court of Brown County, Brownwood, Texas, Cause Number CR17-984. Respondent was sentenced to confinement for a period of ten (10) years in the Institutional Division of the Texas Department of Criminal Justice. The imposition of the confinement was probated, and Respondent was placed on Community Supervision for a period of ten (10) years and ordered to pay a fine and court costs in the total amount of one thousand, seven hundred thirty-three dollars (\$1,733.00).
10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
11. 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.
12. 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 violations of Section 301.452(b)(3), (9), (10) & (12), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.12(1)(E)(5), (6)(G), (8), (10)(E), (11)(B) & (13).
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 168697, heretofore issued to BRANDI ONITA REIGLE, 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 Vocational Nurse License Number 168697, heretofore issued to BRANDI ONITA REIGLE, 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 BRANDI ONITA REIGLE, 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.

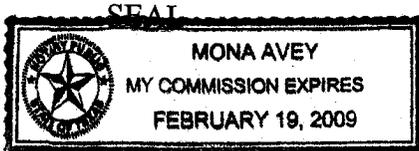
RESPONDENT'S CERTIFICATION

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 1 day of May, 2008

Brandi Onita Reigle
BRANDI ONITA REIGLE, Respondent

Sworn to and subscribed before me this 1st day of May, 2008.



Mona Avey

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 Vocational Nurse License Number 168697, previously issued to BRANDI ONITA REIGLE.

Effective this 5th day of May, 2008.



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

BOARD OF VOCATIONAL
NURSE EXAMINERS

VS.

BRANDI ONITA ELLIS

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STATE OF TEXAS

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 168697 held by BRANDI ONITA ELLIS, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

I.

- a. Respondent was employed as a Licensed Vocational Nurse with Goldthwaite Senior Health Center in Goldthwaite, Texas to include the period from about May 24, 2001 through about June 17, 2001.
- b. While so employed with said facility, on or about June 17, 2001, Respondent failed to administer the scheduled evening medications to five residents per physicians' orders. The medications which were not administered included Hydrocodone, Diazepam, and Lorezepam.

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RE: BRANDI ONITA ELLIS, LVN #168697
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By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED that license number 168697, heretofore issued to BRANDI ONITA ELLIS to practice vocational nursing in the State of Texas be, and the same is hereby **SEVERELY REPRIMANDED**.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the _____ day of _____, 2003.

Brandi Onita Ellis
Brandi Onita Ellis
Signature of Respondent

6351 County Rd 234
Current Address

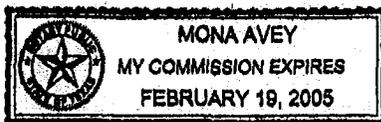
Brownwood, Texas 76801
City, State and Zip

915, 641-2355
Area Code and Telephone Number

The State of Texas
County of Brown

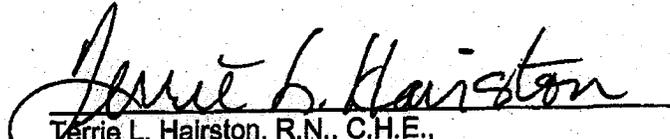
Before me, the undersigned authority, on this day personally appeared BRANDI ONITA ELLIS, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me on this the 28th day of February, 2003.

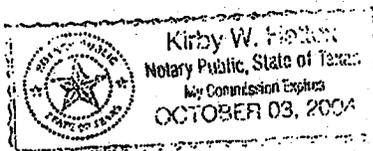


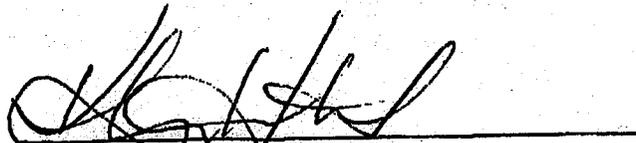
Mona Avey
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

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Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the
10TH day of JUNE, 2003.

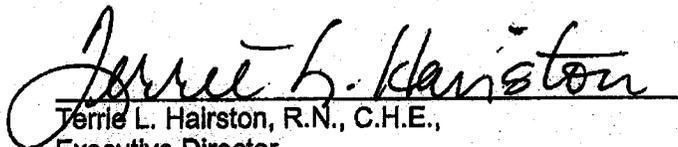



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 28th day of February, 2003 by BRANDI ONITA ELLIS, license number 168697 and that Said Order is Final.

Effective this 10th day of June, 2003.

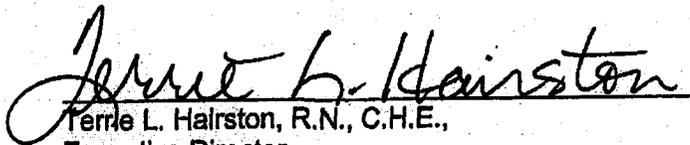

Terrie L. Hairston, R.N., C.H.E.,
Executive Director
On Behalf of Said Board

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of June, 2003, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

BRANDI ONITA ELLIS
6351 COUNTY ROAD #234
BROWNWOOD, TEXAS 76801


Terrie L. Hairston, R.N., C.H.E.,
Executive Director
Agent for the Board of Vocational Nurse Examiners