

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 636044
ISSUED TO
BRENDA YVONNE BALLARD

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia A. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: Brenda Yvonne Ballard
PO Box 35361
Houston, Texas 77235

During open meeting held in Austin, Texas, on February 14, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 636044, previously issued to BRENDA YVONNE BALLARD, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Entered this 14th day of February, 2012.



TEXAS BOARD OF NURSING

BY: *Katherine A. Thomas*
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed November 28, 2011.

I certify this to be a true copy of the records on file with th Texas Board of Nursing.

Date: _____
Signed: _____

Re: Permanent Certificate Number 636044
Issued to BRENDA YVONNE BALLARD
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February, 2012 a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Brenda Yvonne Ballard
PO Box 35361
Houston, Texas 77235



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § BEFORE THE TEXAS
Number 636044, Issued to §
BRENDA YVONNE BALLARD, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BRENDA YVONNE BALLARD, is a Registered Nurse holding license number 636044, which is in Current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

During November 13, 2009 through November 24, 2009, while employed as a Registered Nurse with Icon Hospital, Humble, Texas, Respondent withdrew Hydromorphone from the Medication Dispensing System (Med-Dispense) at 7:30 and 9:03 for Patient Medical Record Number 516, which was in excess frequency/dosage of the physician's order. The physician ordered Hydromorphone every three (3) to four (4) hours as needed. Respondent's conduct was likely to injure the patient in that the administration of Hydromorphone in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(C), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

CHARGE II

During November 13, 2009 through November 24, 2009, while employed as a Registered Nurse with Icon Hospital, Humble, Texas, Respondent withdrew Lorazepam, Tussionex, Hydrocodone, Hydromorphone, Morphine, and Haloperidol from the Medication Dispensing System (Med-Dispense) for Patient Medical Record Numbers 513, 516, 518, 525, 530 554, and 564, but failed to document or accurately document the administration of the medication in the patients' Medication Administration Record, and/or Nurse's Notes as follows:

Date/Time	MR/Account Number	Physician's Order	Med-Dispense Record	Medication Administration Record	Nurse's Notes	Wastage
11/13/09 8:48:37	516	Hydromorphone HCL Dilaudid 2mg/ml carpuject 1mL =2mg IVP q 3hrs prn	Hydromorphone HCL 2mg mL Dilaudid 2mg/1ml (1)	0900 1mg	None	None
11/13/09 11:36:31	516	Hydromorphone HCL Dilaudid 2mg/mL carpuject 1mL =2mg IVP q 3hrs prn	Hydromorphone HCL 2mg mL Dilaudid 2mg/1ml (1)	1130 1mg	1100 Dilaudid given by supervisor	1mg

Date/Time	MR/Account Number	Physician's Order	Med-Dispense Record	Medication Administration Record	Nurse's Notes	Wastage
11/13/09 16:37:43	516	Hydromorphone HCL Dilaudid 2mg/ml carpuject 1mL =2mg IVP q 3hrs prn	Hydromorphone HCL 2mg ml Dilaudid 2mg/1mL (1)	1700	None	None
11/14/09 7:30:19	516	Hydromorphone HCL Dilaudid 2mg/mL carpuject 1mL =2mg IVP q 3hrs prn	Hydromorphone HCL 2mg mL Dilaudid 2mg/1mL (1)	None	None	None
11/14/09 9:03:49	516	Hydromorphone HCL Dilaudid 2mg/mL carpuject 1mL =2mg IVP q 3hrs prn	Hydromorphone HCL 2mg ml Dilaudid 2mg/1mL (1)	None	None	None
11/14/09 19:39:03	516	Hydromorphone HCL Dilaudid 2mg/mL carpuject 1mL =2mg IVP q 3hrs prn	Hydromorphone HCL 2mg mL Dilaudid 2mg/1mL (1)	1900	None	None
11/14/09 8:06:43	513	Hydrocodone-APAP tab 7.5- 325mg 2 tabs q 6 hrs prn	Hydrocodone/APAP tab 7.5-325mg (2)	1000	None	None
11/14/09 9:29:31	518	Tussionex Sus Ext-Rel 5ml po q 12hrs	Tussionex Sus Ext-Rel mL (1)	None	None	None
11/14/09 9:29:48	518	Lorazepam 0.5mg tab 2 tablets = 1mg po q 6hrs prn	Lorazepam 0.5mg tab (2)	None	None	None
11/14/09 9:30:01	518	Hydrocodone/APAP 5- 325mg 1 tab po q 6hrs prn	Hydrocodone/APAP 5-325mg tab (1)	None	None	None
11/17/09 13:05:11	525	Morphine Sulfate inj 2mg/mL 1mL =2mg IVP q 4hrs prn	Morphine Sul IVP 2mg mL (1)	1300	None	None
11/24/09 10:53:11	554	Dilaudid 1mg IV q 3-4hrs prn pain	Hydromorphone HCL 1mg Dilaudid 1mg/1mL (1)	1130	None	None
11/24/09 12:08:14	564	Haldol 1mg IM stat	Haloperidol Lactate inj 5mg mL (1)	1000	None	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

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CHARGE III

During November 13, 2009 through November 24, 2009, while employed as a Registered Nurse with Icon Hospital, Humble, Texas, Respondent withdrew Lorazepam, Tussionex, Hydrocodone, Hydromorphone, Morphine, and Haloperidol from the Medication Dispensing System (Med-Dispense) for Patient Medical Record Numbers 513, 516, 518, 525, 530 554, and 564, but failed to follow the facility's policy and procedure regarding wastage of any of the unused portions of the medications, as follows:

Date/Time/Type	MR/Account Number	Physician's Order	Med-Dispense Record	Medication Administration Record	Nurse's Notes	Wastage
11/13/09 8:48:37 DSP (Dispense)	516	Hydromorphone HCL Dilaudid 2mg/ml carpuject 1mL =2mg IVP q 3hrs prn	Hydromorphone HCL 2mg mL Dilaudid 2mg/1ml (1)	0900 1mg	None	None
11/14/09 7:30:19 DSP (Dispense)	516	Hydromorphone HCL Dilaudid 2mg/mL carpuject 1mL =2mg IVP q 3hrs prn	Hydromorphone HCL 2mg mL Dilaudid 2mg/1mL (1)	None	None	None
11/14/09 9:03:49 DSP (Dispense)	516	Hydromorphone HCL Dilaudid 2mg/mL carpuject 1mL =2mg IVP q 3hrs prn	Hydromorphone HCL 2mg ml Dilaudid 2mg/1mL (1)	None	None	None
11/14/09 8:06:41 WST (Wastage)	513	Hydrocodone-APAP tab 7.5-325mg 2 tabs q 6 hrs prn	Hydrocodone/APAP tab 7.5-325mg (0 removed)	None	None	Waste indicated, but 0 documented
11/14/09 9:29:31 DSP (Dispense)	518	Tussionex Sus Ext-Rel 5ml po q 12hrs	Tussionex Sus Ext- Rel mL (1)	None	None	None
11/14/09 9:29:48 DSP (Dispense)	518	Lorazepam 0.5mg tab 2 tablets = 1mg po q 6hrs prn	Lorazepam 0.5mg tab (2)	None	None	Non
11/14/09 9:30:01 DSP (Dispense)	518	Hydrocodone/APAP 5- 325mg 1 tab po q 6hrs prn	Hydrocodone/APAP 5-325mg tab (1)	None	None	None
11/14/09 15:58:34 DSP (Dispense)	530	Ativan 1mg IV x 1 Ordered at 1830	Lorazepam 2mg (1)	1600	None	15:58:32 1mg
11/17/09 13:04:44 DSP (Dispense)	525	Ativan 0.5mg IV q 8hrs prn pain	Lorazepam inj 2mg ml (1)	1300	None	13:04:40 1mg
11/17/09 13:05:11 DSP (Dispense)	525	Morphine Sulfate inj 2mg/mL 1mL =2mg IVP q 4hrs prn	Morphine Sul IVP 2mg mL (1)	1300	None	None
11/24/09 10:53:07 WST (Wastage)	554	Dilaudid 1mg IV q 3- 4hrs prn pain	Hydromorphone HCL 1mg Dilaudid 1mg/1mL (0)	None	None	Waste indicated, but 0 documented

Respondent's conduct was likely to deceive the hospital pharmacy and place them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

CHARGE IV

During November 13, 2009 through November 24, 2009, while employed as a Registered Nurse with Icon Hospital, Humble, Texas, Respondent misappropriated Lorazepam, Tussionex, Hydrocodone, Hydromorphone, Morphine, and Haloperidol belonging to Patient Medical Record Numbers 513, 516, 518, 525, 530 554, and 564, or failed to take precautions to prevent the misappropriation of the medications belonging to the facility and/or the patients. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(6)(G)&(8).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, and for Fraud, Theft and Deception, which can be found at the Board's website, www.bon.texas.gov.

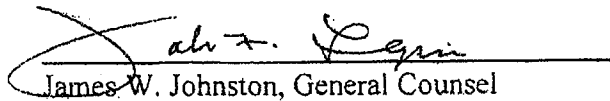
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 28th day of November, 20 11.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel

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