



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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Vocational Nurse           §       AGREED  
License Number 126389                       §  
issued to FELICIA RENE BREWER           §       ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of FELICIA RENE BREWER, Vocational Nurse License Number 126389, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 22, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

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(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from North Central Texas College, Gainesville, Texas, on August 11, 1989. Respondent was licensed to practice vocational nursing in the State of Texas on December 7, 1989.
5. Respondent's vocational nursing employment history is unknown.

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Renaissance Care Centex, Gainesville, Texas, and had been in this position for approximately one (1) year and three (3) months.
7. On or about March 25, 2008, while employed as a Licensed Vocational Nurse with Renaissance Care Centex, Gainesville, Texas, Respondent lacked fitness to practice vocational nursing in that she was falling asleep during report, while standing up, and while smoking. Respondent's conduct 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.
8. In response to Finding of Fact Number Seven (7), Respondent states: On March 25, 2008, I was working 2-10 shift and became drowsy because I was on methadone. The doctor had increased my dosage and it made me drowsy.
9. On or about March 25, 2008, while employed as a Licensed Vocational Nurse with Renaissance Care Centex, Gainesville, Texas, Respondent engaged in the intemperate use of Methadone and Alprazolam in that she produced a specimen for a drug screen that resulted positive for Methadone and Alprazolam. Additionally, Respondent admitted that she was participating in a Methadone Treatment Program. Furthermore, she admitted she was taking her mother's Xanax. Possession of Methadone and Alprazolam, without a valid prescription, is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Methadone and Alprazolam by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
10. In response to Finding of Fact Number Eight (8), Respondent states: On March 23, 2008, my daughter was pregnant and lost the baby. I admit that there was Xanax in my system. I was very upset that day and my mother had given me 2 Xanax .25mg. I do not have a problem with Xanax. As far as the methadone, I did have a prescription for that. I can and did prove that.
11. On or about October 25, 2009, while employed as a Vocational Nurse with Honey Grove Nursing Center, Honey Grove, Texas, Respondent lacked fitness to practice vocational nursing, in that she was found at the Nurses' Station, thought to be asleep, however, she was not breathing and was unresponsive. Additionally, when CPR was initiated, a Fentanyl patch was found lodged in the back of Respondent's throat and she was transferred to the Red River Regional Hospital, Bonham, Texas, and admitted to the ICU. Respondent's conduct 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.

12. In response to Finding of Fact Number Eleven (11), Respondent states: On October 25, 2009, I took enough drugs that made my heart stop beating. The people that I was with called an ambulance and I was taken to Bonham Hospital where I was resuscitated. I did not know this at the time, but they found drugs still in my mouth and gave them to the Bonham Police. After I was released from the hospital, I started looking for help and rehab. On October 30, 2009, I was admitted to Homeward Bound Rehab in Dallas 2x. I stayed there for 30 days and then went to a transitional home until in March 2010. I got a job at a hospital in Sherman, I found an NA meeting and a sponsor, and dove right into the meetings and started helping others. I worked all 12 steps of NA and got a Higher Power to see me through each day. I am very active in my group and also I'm the secretary.
13. 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.
14. 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.
15. Respondent's conduct described in Findings of Fact Numbers Seven (7), Nine (9), and Eleven (11) resulted from Respondent's dependency on chemicals.
16. Respondent's compliance with the terms of a Board approved peer assistance program 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 violations of Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(B),(E),(4),(5),(10)(A)&(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 126389, heretofore issued to FELICIA RENE BREWER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, 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.

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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

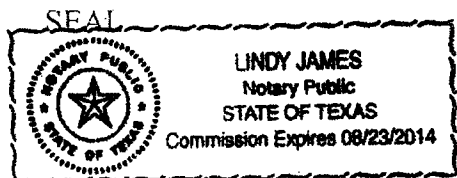
RESPONDENT'S CERTIFICATION

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. 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 Texas Board of Nursing, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 8 day of Aug., 2011.

Felicia Rene Brewer  
FELICIA RENE BREWER, Respondent

Sworn to and subscribed before me this 8 day of August, 2011.



Lindy James  
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 and enter the Agreed Order that was signed on the 8th day of August, 20 11, by FELICIA RENE BREWER, Vocational Nurse License Number 126389, and said Order is final.

Entered and effective this 10th day of August, 20 11.



*Katherine A. Thomas*

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