



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 65696 §
issued to BRENDA G. HALE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRENDA G. HALE, Vocational Nurse License Number 65696, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 23, 2011, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
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 West Community Hospital, West, Texas, on August 27, 1975. Respondent was licensed to practice vocational nursing in the State of Texas on November 23, 1975.
5. Respondent's nursing employment history includes:

11/1975 - 2000	Unknown	
2001 - 2003	Home Health Nurse	Complete Home Health Midland, Texas

Respondent's nursing employment history continued:

2003 - 2005	Home Health Nurse	In Home Care Midland, Texas
11/2005 - 08/2009	Home Health Nurse	Encompass Home Health. Midland, Texas
09/2009 - 07/2010	Unknown	
08/2010 - Present	Quality Assurance Nurse	Compassion Home Health Midland, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Home Health Nurse with Encompass Home Health, Midland, Texas, and had been in this position for two (2) years and six (6) months.
7. On or about April 2008, to May 2009, while employed as a Home Health Nurse with Encompass Home Health, Midland, Texas, and assigned to care for Patient JS, Respondent failed to accurately assess the patient regarding seizure activity and posturing behavior. Respondent documented in the patient's medical record and indicated to the physician that the patient was having seizures when it was actually posturing. Respondent's conduct resulted in an inaccurate medical record and was likely to harm the patient from care decisions based on inaccurate information.
8. On or about April 2008, to May 2009, while employed as a Home Health Nurse with Encompass Home Health, Midland, Texas, and assigned to care for Patient JS, Respondent became emotionally attached to her assigned patient, which clouded her judgment and objectivity resulting in inappropriate conduct, including conflicts with other employees, unnecessary phone calls to check on the patient's status while she was off duty, and inaccurate, inappropriate documentation in the patient's medical record. Respondent's conduct violated nurse/client professional boundaries that was likely to injure the patient in that boundary violations can cause delayed distress for the patient which may not be recognized or felt by the patient until harmful consequences occur.
9. On or about August 4, 2009, while employed as a Home Health Nurse with Encompass Home Health, Midland, Texas, Respondent falsely documented a physician's order in the medical record of Patient JS for the administration of an enema. Respondent's conduct was deceptive and was likely to injure the patient from adverse reactions due to treatments administered without the benefit of a physician's expertise.
10. On or about August 6, 2009, through August 20, 2009, Respondent exhibited unprofessional behavior in that she continued to visit Patient JS after her employment with Encompass Home Health was terminated and she attempted and/or provided nursing care during her visits, including administration of medications. Respondent's conduct may have harmed the patient from care provided without appropriate supervision of authorized agency staff.

11. In response to the incidents in Findings of Fact Numbers Seven (7) through Ten (10), Respondent states that on site instruction and testing had been done regarding different types of seizures and to identify the difference between seizures and posturing. According to Respondent, the patient did have significant episodes of posturing, but he also had times when he had increased seizure activity, for instance, when he became too warm, there was excessive noise, or he was not feeling well. Respondent states that she has cared for Patient JS in his home for almost four years, and it would not be uncommon to form an attachment. Respondent asserts that her compassion and emotional attachment to the patient has not clouded her judgment but has allowed her to treat this patient with loving compassion. Respondent states that she feels that it is, or should be, acceptable to call the hospital and inquire about the status of any patient for whom she provides care. Respondent claims that she is not aware of any conflict between herself and another employee. Respondent asserts that she received the order from the physician and repeated the order back to the physician for confirmation. Respondent states that she was called to the patient's home by the patient's mother, who was worried about her son's respiratory distress. According to Respondent, upon her arrival, she found the Nurse Supervisor and another LVN at the home attempting to relieve the patient's shortness of breath, and when the Nurse Supervisor left the home with the patient still in distress, Respondent went inside the patient's room and attempted to relieve the patient.
12. On or about July 7, 2011, an Agreed Order with the sanction of Warning with Stipulations and a Fine was offered to Respondent.
13. On or about July 17, 2011, Respondent submitted correspondence to the Board stating that she is no longer able to perform nursing duties requiring lifting and bending and would not be able to fulfill the stipulations of the Agreed Order regarding monitored practice. Respondent provided a letter from her physician in which he states that because of Respondent's chronic health issues, she is unable to engage in activities that require her to do any heavy lifting, bending, or stooping.

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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A), (1)(B), (1)(D), (1)(J), (1)(P), (1)(R) & (2)(A) and 217.12(1)(A), (1)(B), (1)(C), (6)(A) & (6)(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 65696, heretofore issued to BRENDA G. HALE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a LIMITED LICENSE with Stipulations, and RESPONDENT SHALL 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.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent 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 nurse licensure compact 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 that:

(1) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval.

RESPONDENT'S CERTIFICATION

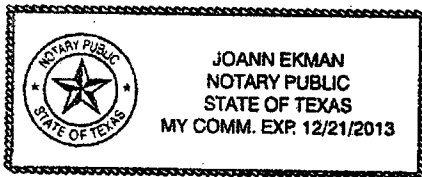
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 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 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 14 day of October, 2011.

Brenda G. Hale
BRENDA G. HALE, Respondent

Sworn to and subscribed before me this 14th day of October, 2011.

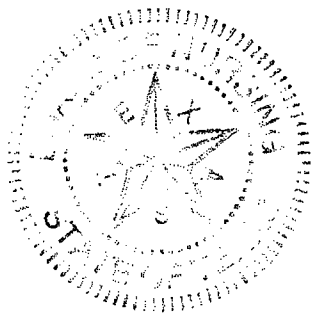
SEAL



Joann Ekman
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of October, 2011, by BRENDA G. HALE, Vocational Nurse License Number 65696, and said Order is final.

Effective this 13th day of December, 2011.



A handwritten signature in cursive script, reading "Katherine A. Thomas".

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