



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

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of  
Vocational Nurse License Number 200039  
issued to KASSI AMBER BRILEY

§  
§  
§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 200039, issued to KASSI AMBER BRILEY, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Odessa College-Andrews, Andrews, Texas, on August 5, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on September 15, 2005.
4. Respondent's vocational nursing employment history includes:

9/05-12/09	LVN	Seminole Memorial Hospital Seminole, Texas
1/10-6/10	Unknown	
7/10-12/10	LVN	Shannon Medical Center San Angelo, Texas

Respondent's vocational nursing employment history continued:

1/11-9/11	LVN	Shannon Clinic San Angelo, Texas
-----------	-----	-------------------------------------

10/11-Present	Unknown	
---------------	---------	--

5. On or about December 29, 2011, Respondent's licence to practice vocational nursing in the State of Texas was issued an Agreed Order requiring her to enroll and complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Finding of Fact, Conclusions of Law and Order dated December 29, 2011 is attached and incorporated herein by reference as part of this Order.
6. On July 16, 2014, Respondent was noticed for the following allegations:

On or about July 7, 2014, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on December 29, 2011. Non-compliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement. Stipulation number three (3) of the Agreed Order dated December 29, 2011, states:

"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."

On or about July 7, 2014, Respondent was dismissed from the Texas Peer Assistance Program for Nurses (TPAPN) for failure to comply with TPAPN's drug testing requirements.
7. On August 4, 2014, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated August 1, 2014, is attached and incorporated herein by reference as part of this Order.
8. 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.
9. 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(s) of 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 200039, heretofore issued to KASSI AMBER BRILEY, including revocation of Respondent's license(s) 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, 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 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

THE BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 200039, heretofore issued to KASSI AMBER BRILEY, to practice nursing in the State of Texas, is/are accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of 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/s is/are surrendered.
2. 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.
3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 4th day of August, 2014.

TEXAS BOARD OF NURSING



By:

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

KASSI AMBER BRILEY  
701 STATE COURT  
SAN ANGELO, TX 76905  
Vocational Nurse License Number 200039

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Kassi Briley  
Date 8/1/2014

Vocational Nurse License Number 200039

The State of Texas

Before me, the undersigned authority, on this date personally appeared KASSI AMBER BRILEY 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 before me the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_



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  
License Number 200039  
issued to KASSI AMBER BRILEY

§ AGREED  
§  
§ ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of KASSI AMBER BRILEY, Vocational Nurse License Number 200039, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(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 November 30, 2011, by Katherine A. Thomas, MN, RN, FAAN, 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 Odessa College-Andrews, Andrews, Texas, on August 5, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on September 15, 2005.
5. Respondent's nursing employment history includes:

9/05-12/09

LVN

Seminole Memorial Hospital  
Seminole, Texas

Respondent's nursing employment history continued:

1/10-6/10	Unknown	
7/10-12/10	LVN	Shannon Medical Center San Angelo, Texas
1/11-9/11	LVN	Shannon Clinic San Angelo, Texas
10/11-Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a vocational nurse with Seminole Memorial Hospital, Seminole, Texas, and had been in this position for approximately four (4) years and three (3) months.
7. On or about May 20, 2009, while employed with Seminole Memorial Hospital, Seminole, Texas, Respondent engaged in the intemperate use of Demerol/Normeperidine in that she submitted a specimen for drug screening which resulted positive for Demerol/Normeperidine. Unlawful possession of Demerol/Normeperidine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol/Normeperidine by a Registered 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.
8. On or about May 20, 2009, while employed with Seminole Memorial Hospital, Seminole, Texas, Respondent engaged in the intemperate use of Hydrocodone and Hydromorphone in that she submitted a specimen for drug screening which resulted positive for Hydrocodone and Hydromorphone. Unlawful possession of Hydrocodone and Hydromorphone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Hydrocodone and Hydromorphone by a Registered 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.
9. On or about December 13, 2009, while employed with Seminole Memorial Hospital, Seminole, Texas Respondent withdrew one (1) Lortab 10mg tab at 8:50 a.m. from the medication dispensing system for Patient Medical Record Number 033793, but failed to administer the medication as ordered by the physician. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.

10. On or about December 13, 2009, while employed with Seminole Memorial Hospital, Seminole, Texas, Respondent falsified medical records in that she documented that she administered Lortab to Patient Medical Record Number 033793 at 8:50 a.m. when she had not actually administered the medication. Respondent's conduct resulted in an inaccurate medical record and was likely to deceive subsequent care givers who would rely on the information to provide ongoing medical care.
11. In response to Findings of Fact Numbers Nine (9) and Ten (10), Respondent states she asked a group of nurses in the medication room if one of them could give it for her and she trusted it to get done. Respondent states she did chart the Lortab as being given and for that she is at fault.
12. On or about December 13, 2009, while employed with Seminole Memorial Hospital, Seminole, Texas Respondent withdrew a Xanax .5mg tab at 0850 for Patient Medical Record Number 000432, which was in excess dosage the physician's order. The physician's order was for Xanax .25mg and Respondent documented the administration of Xanax .5mg. Respondent's conduct was likely to injure the patient in that the administration of Xanax in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
13. On or about September 23, 2009, while employed with Seminole Memorial Hospital, Seminole, Texas, Respondent engaged in the intemperate use of Promethazine in that she submitted a specimen for drug screening which resulted positive for Promethazine. Unlawful possession of Promethazine is prohibited by Chapter 483 of the Texas Health & Safety Code (Dangerous Drug Act). The use of Promethazine by a Registered 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.
14. On or about November 27, 2009, while employed with Seminole Memorial Hospital, Seminole, Texas, Respondent engaged in the intemperate use of Promethazine in that she submitted a specimen for drug screening which resulted positive for Promethazine. Unlawful possession of Promethazine is prohibited by Chapter 483 of the Texas Health & Safety Code (Dangerous Drug Act). The use of Promethazine by a Registered 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.



15. On or about April 8, 2011, June 24, 2011, July 15, 2011 and September 9, 2011, while employed with Shannon Clinic, San Angelo, Texas, Respondent admitted to fraudulently calling in unauthorized prescriptions for Lortab and Soma to the Wal-Mart Pharmacy for herself using another nurse's name and the name of a physician who had never seen her. Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone through use of an unauthorized, fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
16. On October 18, 2011, Respondent underwent a chemical dependency evaluation with Matthew Ferrara, Ph.D. Dr. Ferrara states Respondent admits that she fraudulently obtained narcotics and muscle relaxers. Dr. Ferrara continues to state that based on this evaluation, "it appears that Ms. Briley would have difficulty conforming her behavior to the NPA, Board rules and regulations, and generally accepted standards of nursing practice, unless she completed a substance abuse treatment program and had her practice as a nurse supervised for a period of time. She should also submit to a program of random drug/alcohol screens for a period of time for the purpose of ensuring that she is not engaging in a pattern of substance abuse behavior. It should be noted that Ms. Briley was very open and honest during this evaluation. She admitted to having a problem with abusing prescription medication. She expressed a desire for treatment and a desire to overcome her addiction. She appeared to show many positive indicators for success in dealing with the very challenging quest of overcoming her addiction."
17. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
18. 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.
19. Respondent's conduct described in Findings of Fact Numbers was significantly influenced by Respondent's dependency on chemicals.
20. 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 violation of Section 301.452(b)(9),(10),(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B),(C)&(D). and §217.12(1)(A),(1)(B),(1)(C),(4),(5),(6)(A),(6)(H),(8),(10)(A),(10)(D), (10)(E) &(11)(B).
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 200039, heretofore issued to KASSI AMBER BRILEY, 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

1

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 THIS 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 22<sup>nd</sup> day of December, 2011.

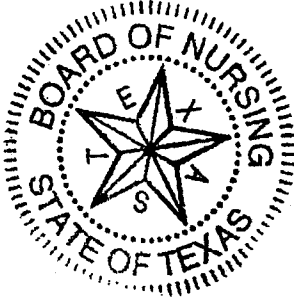
Kassi Amber Briley  
KASSI AMBER BRILEY, Respondent

Sworn to and subscribed before me this 22<sup>nd</sup> day of December, 2011.

SEAL  
  
CATHY DIANE LACY  
Notary Public  
STATE OF TEXAS  
My Comm. Exp. 06/29/2013

Cathy Lacy  
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 22nd day of December, 2011, by KASSI AMBER BRILEY, Vocational Nurse License Number 200039, and said Order is final.



Entered and effective this 29th day of December, 2011.

*Katherine A. Thomas*

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