

BEFORE 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.
Stephanie A. Thomas
Executive Director of the Board

In the Matter of § AGREED
Registered Nurse License Number 595077 §
issued to BRINDA SUE HEMBREE § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board produced evidence indicating that BRINDA SUE HEMBREE, Registered Nurse License Number 595077, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was held on December 16, 2014, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by William E. Hopkins, Attorney at Law. In attendance were Kristin Benton, MSN, RN, Director of Nursing, Executive Director's Designee; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Skylar Caddell, RN-BC, Nurse Investigator Specialist; Tabitha Langford, RN, Investigator; and Elena Wolfe, Investigator.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.

4. Respondent received an Associate Degree in Nursing from Amarillo College, Amarillo, Texas, on May 14, 1993. Respondent was licensed to practice professional nursing in the state of Texas on September 22, 1993.

5. Respondent's nursing employment history includes:

1993 - 1997	Staff Nurse	St. Anthony's Hospital Amarillo, Texas
1/1998 - 8/1999	Director of Nursing	McLean Nursing Center McLean, Texas
9/1999 - 8/2000	Staff Nurse	VIP Home Health Amarillo, Texas
9/2000 - 7/2006	Charge Nurse	Saint Francis Hospital Tulsa, Oklahoma
7/2006 - 4/2008	Charge Nurse	Plaza Medical Center Fort Worth, Texas
4/2008 - 4/2012	Staff Nurse	Northwest Texas Healthcare System Amarillo, Texas
4/2012 - Present	Staff Nurse	Plum Creek Health Center Amarillo, Texas

7. At the time of the initial incident, Respondent was employed as a Staff Nurse with Northwest Texas Healthcare System in Amarillo, Texas, and had been in that position for four (4) years.

8. On or about April 19, 2012, while employed with Northwest Texas Healthcare System, Amarillo, Texas, Respondent failed to document the following in the medical record of Patient Medical Record Number 84177583:

- That she notified the medical providers about the patient's progressing levels of mental confusion and restlessness prior to the patient sustaining a head injury from falling to the floor;
- That she received an order for the patient to be placed in wrist restraints after the fall incident;
- That she visually assessed the patient every fifteen to twenty (15-20) minutes; and
- The patient's vital signs that were collected immediately after the fall, as well as those obtained with each hourly neurological function check.

Respondent's conduct resulted in an incomplete and inaccurate medical record and exposed the patient unnecessarily to risk of harm from clinical care decisions formulated based upon incomplete documentation.

9. In response to the incident in Finding of Fact Number Eight (8), Respondent states that she was unable to fully document, in Patient Medical Record Number 84177583's medical chart, all of the assessments, interventions, and conversations between herself, other care givers, and the medical providers that took place because she was encouraged to end her shift and "get off the clock." Respondent states that she attempted to return to the workplace the following evening to insert late-entry documentation into the aforementioned patient's medical record, in order to complete it, but that she was prevented from doing so.

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 §217.11(1)(A)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(1)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 595077, heretofore issued to BRINDA SUE HEMBREE.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION WITH A FINE** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.
- B. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- C. **The course "Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention

of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) days of entry of this Order.** Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

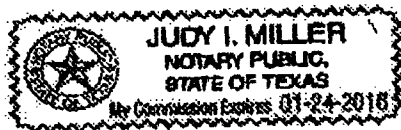
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of JAN., 2015.

Brinda Sue Hembree
BRINDA SUE HEMBREE, Respondent

Sworn to and subscribed before me this 26 day of JANUARY, 2015.

SEAL



Judy Miller
Notary Public in and for the State of TEXAS

Approved as to form and substance.
William E. Hopkins
William E. Hopkins, Attorney for Respondent

Signed this 27 day of January, 2015.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 26th day of January, 2015, by BRINDA SUE HEMBREE, Registered Nurse License Number 595077, and said Order is final.

Effective this 29th day of January, 2015.



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