

IN THE MATTER OF
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 103100
ISSUED TO
CAROL ANNA BRAZELL

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§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



Patricia A. Thomas
Executive Director of the Board

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.

ORDER OF THE BOARD

TO: CAROL ANNA BRAZELL
503 CAPTAINS CUTT
GAINESVILLE, TX 76240

During open meeting held in Austin, Texas, on **February 10, 2015**, the Texas Board of Nursing 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 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(s) to practice 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 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 Vocational Nurse License Number 103100, previously issued to CAROL ANNA BRAZELL, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 10th day of February, 2015.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed February 20, 2014.

Re: Permanent Vocational Nurse License Number 103100
Issued to CAROL ANNA BRAZELL
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of February, 2015, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

CAROL ANNA BRAZELL
503 CAPTAINS CUTT
GAINESVILLE, TX 76240



BY:

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

In the Matter of § BEFORE THE TEXAS
Permanent Vocational Nurse §
License Number 103100 §
Issued to CAROL ANNA BRAZELL, § BOARD OF NURSING
Respondent §

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CAROL ANNA BRAZELL, is a Vocational Nurse holding License Number 103100, 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.

On or about August 13, 2012, Respondent failed to comply with the Agreed Order issued to her on June 29, 2012, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number One (1) of the Agreed Order which states, in pertinent part:

(1) RESPONDENT SHALL, pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of entry of this Order....

A copy of the June 29, 2012, Agreed Order, Findings of Fact and Conclusions of Law, is attached and incorporated, by reference, as part of this pleading.

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

CHARGE II.

On or about June 30, 2013, Respondent failed to comply with the Agreed Order issued to her on June 29, 2012, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Two (2) of the Agreed Order which states, in pertinent part:

(2) RESPONDENT SHALL, within one year (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics....

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

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, 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.

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CONTINUED ON NEXT PAGE

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated June 29, 2012.

Filed this 20th day of February, 20 14.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated June 29, 2012

D/2013.11.19

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 103100 §
issued to CAROL ANNA BRAZELL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CAROL ANNA BRAZELL, Vocational Nurse License Number 103100, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated violation of 301.452(b)(2),(3)&(10), Texas Occupations Code (effective 9/01/03); and Section 301.452(b)(2)&(10), Texas Occupations Code (effective 9/1/2005). Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 2, 2012, 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 Gainesville Memorial, Gainesville, Texas, on August 12, 1983. Respondent was licensed to practice vocational nursing in the State of Texas on November 30, 1983.
5. Respondent's nursing employment history is unknown.

6. On or about January 31, 2004, Respondent was arrested in Cook County, Texas, for THEFT PROP>=\$20<\$500 BY CHECK, a Class B misdemeanor offense.

On or about March 12, 2004, Respondent pled Guilty and was convicted of THEFT PROP>=\$20<\$500 BY CHECK, a Class B misdemeanor offense committed on July 13, 2003, in the County Court at Law of Cook County, Texas, under Cause No. 48498. As a result of the conviction, Respondent was sentenced to confinement in the Cook County Jail for a period of one hundred and eighty (180) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of eighteen (18) months, and ordered to pay a fine and court costs. On or about August 31, 2005, Respondent's probation was extended for a period of twelve (12) months.

7. On or about July 8, 2004, Respondent submitted an LVN License Renewal Form to the Board of Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

Respondent failed to disclose that on or about March 12, 2004, Respondent pled Guilty and was convicted of THEFT PROP>=\$20<\$500 BY CHECK, a Class B misdemeanor offense committed on July 13, 2003, in the County Court at Law of Cook County, Texas, under Cause No. 48498.

8. On or about January 21, 2005, Respondent was arrested by the Grayson County Sheriff's Office, Grayson, Texas, for THEFT PROP>=\$20<\$500 BY CHECK, a Class B misdemeanor offense.

On or about April 11, 2005, Respondent pled Guilty and was convicted of THEFT PROP>=\$20<\$500 BY CHECK, a Class B misdemeanor offense committed on July 24, 2003, in the County Court at Law No. 1 of Grayson County, Texas, under Cause No. 2005-1-44 CR. As a result of the conviction, Respondent was sentenced to confinement in the Grayson County Jail for a period of ninety (90) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year, and ordered to pay restitution in the amount of four hundred three dollars and eighty-five cents (\$403.85), and along with a fine and court costs.

9. On or about June 4, 2006, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C

traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilt. Please note that DUIs, DWIs, and PIs must be reported and are not considered minor traffic violations. One time minor in possession {MIP} or minor in consumption {MIC} does not need to be disclosed; therefore, you may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal ad/or licensure form."

Respondent failed to disclose that on or about April 11, 2005, Respondent pled Guilty and was convicted of THEFT PROP>=\$20<\$500 BY CHECK, a Class B misdemeanor offense committed on July 24, 2003, in the County Court at Law No. 1 of Grayson County, Texas, under Cause No. 2005-1-44 CR.

10. In response to Findings of Fact Numbers Six (6) through Nine (9), Respondent states: Her non-disclosure was due to embarrassment. She wrote bad checks, because she was not working. She had a back injury. Respondent had two sons to feed.
11. Formal Charges were filed on March 22, 2012.
12. Formal Charges were mailed to Respondent on March 23, 2012.

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 of 301.452(b)(2),(3)&(10), Texas Occupations Code (effective 9/01/03); Section 301.452(b)(2)&(10), Texas Occupations Code (effective 9/1/2005); violation of 22 TEX. ADMIN. CODE §239.11(8)&(29)(A)(effective 2/1/04); violation of 22 TEX. ADMIN. CODE §217.12(6)(I)&(13) (effective 9/28/04).
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 103100, heretofore issued to CAROL ANNA BRAZELL, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION AND A FINE, 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 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 nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine 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.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board

approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, that 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 shall be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

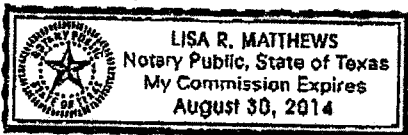
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 27 day of June, 2012.
Carol Anna Brazell
CAROL ANNA BRAZELL, Respondent

Sworn to and subscribed before me this 27th day of June, 2012.

SEAL

Lisa R. Matthews
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 ratify and adopt the Agreed Order that was signed on the 27th day of June, 2012, by CAROL ANNA BRAZELL, Vocational Nurse License Number 103100, and said Order is final.



Effective this 29th day of June, 2012

A handwritten signature in cursive script that reads "Katherine A. Thomas".

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