



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 Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 619428 §
issued to BRANDYN MOYA SALEM § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of BRANDYN MOYA SALEM, Registered Nurse License Number 619428, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

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

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 delinquent status.
4. Respondent received a Baccalaureate Degree in Nursing from California, on June 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on July 3, 1995.
5. Respondent's professional nursing employment history is unknown.
6. On or about October 2, 2014, Respondent's license to practice professional nursing was Suspended by the Minnesota Board of Nursing, Minneapolis, Minnesota. A copy of the Minnesota Board of Nursing Stipulation and Consent Order, dated October 2, 2014, is attached and incorporated, by reference, as part of this pleading.

7. On or about November 20, 2014, Respondent's license to practice professional nursing was Summarily Suspended by the State of Washington Department of Health Nursing Care Quality Assurance Commission, Olympia, Washington.

Subsequently, on or about January 5, 2015, Respondent's license to practice professional nursing was Indefinitely Suspended by the State of Washington Department of Health Nursing Care Quality Assurance Commission, Olympia, Washington. Copies of the State of Washington Department of Health Nursing Care Quality Assurance Commission Ex Parte Order of Summary Action, dated November 20, 2014 and the Findings of Fact, Conclusions of Law and Final Order of Default dated January 5, 2015, are attached and incorporated, by reference, as part of this pleading.

8. In response to Finding of Fact Number Six (6) and Seven (7), Respondent states that when on assignment in Minnesota, she diverted Tramadol and was immediately released from her traveler contract.
9. Formal Charges were filed on March 17, 2015.
10. Formal Charges were mailed to Respondent on March 19, 2015.
11. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender his/her license(s) to practice nursing in the State of Texas.

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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 619428, heretofore issued to BRANDYN MOYA SALEM, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
4. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
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, as amended, 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 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the **VOLUNTARY SURRENDER** of Registered Nurse License Number 619428, heretofore issued to BRANDYN MOYA SALEM, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself/himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

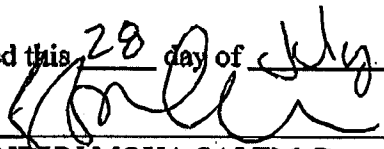
IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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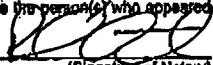
RESPONDENT'S CERTIFICATION


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 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 this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 28 day of July, 2015.


BRANDYN MOYA SALEM, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.
SEAL _____
Notary Public in and for the State of _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
STATE OF CALIFORNIA COUNTY OF LOS ANGELES
Subscribed and sworn to (or affirmed) before me on this 28th day of July, 2015 by Brandyn Salem aka Brandyn Moya Salem proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Signature of Notary)

 RUBEN AVITIA
COMM. # 1981290
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Comm. Exp. June 25, 2016

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept the voluntary surrender of Registered Nurse License Number 619428, previously issued to BRANDYN MOYA SALEM.

Effective this 29th day of July, 20 15.



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

BEFORE THE MINNESOTA

BOARD OF NURSING

In the Matter of
Brandyn M. Salem, R.N.
License No. 217380-9

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Brandyn M. Salem, R.N. ("Licensee"), and the Minnesota Board of Nursing Review Panel ("Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Nursing ("Board") is authorized pursuant to Minnesota Statutes sections 148.171 to 148.285 to license and regulate advanced practice registered nurses, registered nurses, and licensed practical nurses and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice professional nursing in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

CONFERENCE

3. On June 4, 2014, Licensee appeared by telephone before the Review Panel, composed of Sue Sendelbach, Board member, and Judy Reeve, Nursing Practice Specialist, to discuss allegations contained in a Notice of Conference dated May 2, 2014. Jennifer Coates, Assistant Attorney General, represented the Review Panel. The June 4, 2014, conference was continued to obtain further records. Following a review of all available information, the Review Panel determined the matter could be resolved by a suspension of Licensee's license to practice professional nursing.

4. Licensee was advised by the Board's representatives that she may choose to be represented by legal counsel in this matter. Licensee knowingly waived legal representation.

III.

FACTS

5. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. While Licensee was employed as a traveling pediatric nurse and working in a hospital in Minneapolis, Minnesota, beginning December 2, 2013, the following occurred:

1) On February 4, 2014, Licensee was assigned to work on the eighth floor, but accessed a medication distribution machine ("Pyxis") on the seventh floor that had recently been restocked with tramadol. Licensee accessed the tramadol drawer and nearly emptied it. She did not document any of the tramadol as administered, wasted, or returned.

2) Based on Licensee's actions on February 4, 2014, an audit of her practice from January 26, 2014, to February 5, 2014, was completed and revealed multiple instances where Licensee withdrew tramadol from the Pyxis and failed to document it; documented only a partial dose without accounting for the waste; withdrew multiple doses for the same patient; and removed tramadol but then cancelled the transaction.

3) On February 5, 2014, Licensee's contract was terminated.

b. At the June 4, 2014, conference by telephone, and in her May 7, 2014, written response, Licensee denied drug diversion. Licensee indicated she was issued unique identifiers for access to the Pyxis and electronic medical record at the facility as a traveling nurse. When the Panel asked about Licensee's discrepancies with tramadol, Licensee gave the following response:

1) Licensee was on the seventh floor to look for her stethoscope from a previous day. While on the floor, a previous patient's family member requested some Tylenol, and Licensee accessed the Pyxis to obtain it. However, Licensee indicated she thought better of it and cancelled the transaction; then Licensee considered providing Tylenol to the family member

from her personal supply, but did not administer it. Licensee failed to appreciate the scope or boundary concerns raised by this incident.

2) Licensee stated the tramadol at the hospital was not counted and questioned how the Review Panel could know what happened. The Review Panel reiterated that Licensee had a unique identifier when entering the Pyxis, and she last accessed the Pyxis before the drugs went missing. Licensee stated drugs were commonly removed from the Pyxis and stored in a "locked box" in the individual patient rooms and there was no expectation for them to be returned to the Pyxis if not administered before the end of shift as the next shift may need to administer them.

3) Licensee disclosed she has been prescribed tramadol for two to three years to treat chronic pain.

c. The Review Panel continued the conference to obtain more information.

d. On July 24, 2014, the Review Panel reviewed new information received, including the hospital's policies and procedures for use of the locked box in patients' rooms and Licensee's documentation of all other drugs administered in the same time period. The records did not comport with Licensee's description of the policy, for use of the locked box and Licensee's documentation contained negligible oversights, except for the documentation omissions with tramadol. The Review Panel concluded the evidence showed Licensee diverted tramadol; Licensee's explanation of events was incredible; and the Review Panel determined a suspension of Licensee's Minnesota nursing license was appropriate.

IV.

LAWS

6. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148.261, subdivision 1(5), (6), (9), (11), (16), (18), and (23) and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Suspension

7. The Board **SUSPENDS** Licensee's license to practice professional nursing. Licensee must not engage in any act that constitutes the practice of nursing as defined in Minnesota Statutes section 148.171 and must not imply by words or conduct that Licensee is authorized to practice nursing.

B. Reinstatement of License

8. Licensee may petition for reinstatement of her license following 12 months from the date of this Order. The burden of proof will be upon Licensee to demonstrate by a preponderance of the evidence that she is capable of practicing professional nursing in a fit and competent manner, is successfully participating in a program of chemical dependency rehabilitation, and has abstained from mood-altering chemicals during the 12 months immediately preceding her petition. At the time of Licensee's petition, Licensee may be required to meet with a Review Panel and must comply with, at a minimum, the following:

a. Self-Report. Licensee must submit to the Board a report from Licensee herself at the time Licensee petitions for reinstatement of her license. The report must provide and address:

1) Licensee's sobriety, including the date Licensee last used mood-altering substances, including alcohol, and the circumstances surrounding any use while this Order is in effect;

2) Licensee's treatment and participation in a substance use disorder rehabilitation program, including weekly attendance at a chemical dependency support group during the 12 months preceding the petition; evidence of participation must include, but need not

be limited to, attendance sheets on a form provided by the Board and that have been legibly signed or initialed and dated by a participant who attended the weekly meeting;

3) Licensee's job title, dates of employment, work schedule, and the employer's name for every employment Licensee has held while this Order has been in effect;

4) Licensee's physical and mental health status, treatment plan, medications, and compliance with treatment;

5) Licensee's future plans in nursing and the steps she has taken to prepare herself to return to nursing practice; and

6) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

b. Reports Verifying Sobriety. Licensee must cause to be submitted to the Board reports from two adult persons, at least one of whom is not related to Licensee by blood or marriage, who can attest to Licensee's sobriety. These reports must be submitted at the time Licensee petitions for reinstatement of her license. Each report must provide and address:

1) Licensee's regular participation in a chemical dependency support group or other structured chemical dependency rehabilitation program;

2) Licensee's abstinence from nonprescribed mood-altering substances, including the date she last used mood-altering substances, including alcohol; and

3) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

c. Report From Employer. During the petition process, if requested by Board staff, Licensee must cause to be submitted to the Board a report from any employer who has employed Licensee while this Order is in effect. The report(s) are due within two months of any such request from the Board. The report(s) must provide and address:

1) Licensee's ability to perform assigned tasks, and if any performance deficiencies are identified, the actions taken to address them;

2) Licensee's attendance and reliability;

- 3) Licensee's typical work schedule;
- 4) Any other information reasonably requested by the Board; and
- 5) Any other information the employer believes would assist the Board in its ultimate review of this matter.

d. Report From Mental Health Treatment Professional. Licensee must cause to be submitted to the Board a report from any mental health treatment professional whom Licensee consults while this Order is in effect. The report must be submitted to the Board at the time Licensee petitions for reinstatement of her license. Each report must provide and address:

- 1) Verification the mental health professional has reviewed this Order;
- 2) Identification of a plan of treatment, including any medications, devised for Licensee;
- 3) A statement of the involvement between Licensee and the mental health professional, including the number and frequency of meetings;
- 4) Licensee's progress with therapy and compliance with the treatment plan;
- 5) The mental health professional's conclusion as to the need for continuing therapy and Licensee's discontinuance of therapy; and
- 6) Any other information the mental health professional believes would assist the Board in its ultimate review of this matter.

e. Report From Health Care Professional. Licensee must cause to be submitted to the Board a report from any health care professional whom Licensee consults for physical health, mental health, or substance use disorder treatment while this Order is in effect. The reports must be submitted at the time Licensee petitions for reinstatement of her license. Each report must provide and address:

- 1) Verification the health care professional has reviewed this Order;

- 2) Identification of diagnoses and any plans of treatment, including medications, devised for Licensee;
 - 3) Licensee's progress with therapy and compliance with the treatment plan;
 - 4) A statement regarding Licensee's sobriety;
 - 5) Recommendations for additional treatment, therapy, or monitoring;
- and
- 6) Any other information the health care professional believes would assist the Board in its ultimate review of this matter.

f. Report of Prescribed Mood-Altering Substances. Licensee must cause to be submitted to the Board a report from any and all health care professionals who have prescribed mood-altering substances for Licensee during the period this Order is in effect. Each report is due at the time of petition and must provide and address:

- 1) The name, dosage, frequency, and purpose of the mood-altering substances for Licensee;
- 2) Confirmation the physician, dentist, or other health care professional has been informed of Licensee's substance use disorder history; and
- 3) Any other information the reporter believes would assist the Board in its ultimate review of this matter.

g. Report From Pain Management Specialist. Licensee must cause to be submitted to the Board a report from any pain management specialist whom Licensee consults while this Order is in effect. The reports must be submitted to the Board and at the time Licensee petitions for reinstatement of her license. Each report must provide and address:

- 1) Verification the pain management specialist has reviewed this Order;
- 2) Identification of diagnoses and any plans of treatment, including medications, devised for Licensee;

- 1) Verification the evaluator has reviewed a copy of this Order;
- 2) Diagnosis and any recommended treatment plan;
- 3) Licensee's ability to handle stress;
- 4) Recommendations for additional evaluation or treatment; and
- 5) Any other information the evaluator believes would assist the

Board in its ultimate review of this matter.

k. Compliance With Evaluator's Recommendations. Licensee must comply promptly with any recommendations for additional evaluation and treatment made by the mental health evaluator.

l. Pain Management Evaluation. During the petition process, the Board may direct Licensee to obtain a pain management evaluation. Licensee must undergo a pain management evaluation performed by a physician specializing in the treatment of chronic pain, within 60 days if directed to do so by Board staff. Licensee must submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff for purposes of this evaluation. The results of the evaluation must be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Order. The evaluation must include diagnoses and recommended treatment plan, recommended medication plan, and any further evaluations or treatment recommended by the evaluator.

m. Compliance With Evaluator's Recommendations. Licensee must comply promptly with any recommendations for additional evaluation and treatment made by the pain management evaluator.

n. Random Alcohol and Drug Screens. At any time during the petition process the Board may direct Licensee, without prior notice, to submit to laboratory hair, blood, and urine screenings to determine the presence or absence of alcohol or drugs. The Board may contact Licensee by telephone, letter, or through personal contact by an agent to direct her to submit to the tests. Licensee must provide the directed specimen, using a collection site and process approved by the Board, not later than 6:00 p.m. on the day she is contacted by the Board.

- 3) A statement of the involvement between Licensee and the pain management specialist, including the number and frequency of meetings;
 - 4) Licensee's progress with therapy and compliance with the treatment plan;
 - 6) A statement regarding Licensee's sobriety;
 - 7) Recommendations for additional treatment, therapy, or monitoring;
- and
- 8) Any other information the pain management specialist believes would assist the Board in its ultimate review of this matter.

h. Chemical Dependency Evaluation. During the petition process, the Board may direct Licensee to obtain a chemical dependency evaluation. Licensee must undergo a chemical dependency evaluation performed by a chemical dependency treatment professional, within 60 days if directed to do so by Board staff. Licensee must submit, or cause to be submitted, the credentials of the chemical dependency evaluator for review and preapproval by Board staff for purposes of this evaluation. Licensee is responsible for the costs of the evaluation. The results of the evaluation must be sent directly to the Board and must include a statement verifying the evaluator has reviewed this Order.

i. Compliance With Evaluator's Recommendations. Licensee must comply promptly with any recommendations for additional evaluation and treatment made by the chemical dependency evaluator.

j. Mental Health Evaluation. During the petition process, the Board may direct Licensee to obtain a mental health evaluation. Licensee must undergo a mental health evaluation performed by a mental health professional as defined in Minnesota Statutes sections 245.462, subdivision 18, within 60 days if directed to do so by Board staff. Licensee must submit, or cause to be submitted, the credentials of the evaluator for review and pre-approval by Board staff for purposes of this evaluation. Licensee is responsible for the cost of the evaluation. The results must be sent directly to the Board and must provide and address:

Licensee must abstain from substances known to interfere with the toxicology screening process, including but not limited to certain foods, beverages, over-the-counter medications, and other products that contain poppy seeds, hempseeds, and ethyl alcohol. Examples include but are not limited to, nonalcoholic beer or wine; some desserts, salad dressings, soups and herbal remedies; and hand sanitizing and mouthwash products. Licensee must arrange with her employer for release from work for purposes of fulfilling the requirements of the laboratory screening. The specimens must be handled through legal chain-of-custody methods and tested at a facility approved by the Board. The results of the screens must be reported directly to the Board. Licensee is responsible for the cost of the screens.

o. Waivers. If requested by the Board at any time during the petition process, Licensee must complete and sign health records waivers and chemical dependency treatment records waivers supplied by the Board to allow representatives of the Board to discuss Licensee's case with and to obtain written evaluations and reports and copies of all of Licensee's health, mental health, or chemical dependency records from her physician, mental health professional, chemical dependency counselor, or others from whom Licensee has sought or obtained treatment, support, or assistance.

p. Additional Information. Licensee must provide any additional information relevant to her petition reasonably requested by the Review Panel. The Board will consider all competent evidence of rehabilitation presented by Licensee.

q. Reregistration Requirements. Licensee must meet all reregistration requirements in effect at the time of her petition for reinstatement, including but not limited to completing the appropriate application, payment of requisite fees, and completion of any necessary continuing education requirements.

9. The Board may, at any regularly scheduled meeting following Licensee's petition for reinstatement pursuant to paragraph 8 above, take any of the following actions:

a. Grant nursing registration to Licensee;

b. Grant nursing registration to Licensee with limitations upon Licensee's scope of practice, conditions for Licensee's practice, or both; or

c. Continue the suspension of Licensee's license upon her failure to meet the burden of proof.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

10. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those making the payment or preparing the report, evaluation, or documentation. Failure to make payments or file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and will be submitted to the Board by United States Mail, courier, or personal delivery only.

11. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel will schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel will mail Licensee a notice of the violation(s) alleged by the Review Panel. In addition, the notice will designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee will submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Licensee may present oral argument. Argument will not refer to matters outside the record. The evidentiary record will be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Review Panel will have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but will not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation will not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is in a suspended status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Licensee's license.

f. Nothing herein will limit the Review Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 214.077, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein will limit the Review Panel's or the Board's right to automatically suspend Licensee's license pursuant to Minnesota Statutes section 148.262, subdivision 2.

VII.

ADDITIONAL INFORMATION

12. Within ten days of execution of this Stipulation and Consent Order, Licensee will provide the Board with the names of all states in which Licensee is licensed to practice professional or practical nursing or has applied for licensure as a professional or practical nurse.

13. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

14. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

15. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter will constitute the entire record and may be reviewed by the Board in its consideration of this matter.

16. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

17. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

18. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board,

Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

19. This Stipulation and Consent Order does not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth herein.

VIII.

DATA PRACTICES NOTICES

20. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

21. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

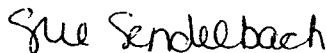
CONSENT:

BOARD OF NURSING
REVIEW PANEL



BRANDYN M. SALEM, R.N.
Licensee

Dated: 9/4, 2014



SUE SENDELBACH
Board Member

Dated: October 2nd, 2014

ORDER

Upon consideration of the Stipulation, the Board hereby **SUSPENDS** Licensee's license and adopts all of the terms described above on this 2nd day of October, 2014.

MINNESOTA BOARD
OF NURSING



SHIRLEY A. BREKKEN
Executive Director

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION**

In the Matter of:

BRANDYN MOYA SALEM,
Credential No. RN.RN.60018914,

Respondent.

Master Case No. M2014-1195

EX PARTE ORDER OF
SUMMARY ACTION

PRESIDING OFFICER: Frank Lockhart, Health Law Judge

On November 20, 2014, this matter came before the Presiding Officer on delegation by the Nursing Care Quality Assurance Commission (Commission) on an Ex Parte Motion for Order of Summary Action (Ex Parte Motion) brought by the Nursing Program of the Department of Health (Department) through the Office of the Attorney General. The Department issued a Statement of Charges alleging Respondent violated RCW 18.130.180(5). The Presiding Officer, after reviewing the Statement of Charges, Ex Parte Motion and supporting evidence, GRANTS the Ex Parte Motion. CREDENTIAL SUSPENDED pending further action.

I. FINDINGS OF FACT

1.1 Respondent is a registered nurse, credentialed by the state of Washington at all times applicable to this matter.

1.2 The Department issued a Statement of Charges alleging Respondent violated RCW 18.130.180(5). The Statement of Charges was accompanied by all other documents required by WAC 246-11-250.

1.3 On October 2, 2014, the Minnesota Board of Nursing suspended Respondent's credential to practice as a registered nurse for a minimum of 12 months.

EX PARTE ORDER OF
SUMMARY ACTION

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Master Case No. M2014-1195

1.4 The Department's Ex Parte Motion was accompanied by a sworn affidavit from Catherine Woodard and a copy of the Stipulation and Consent Order (Order) before the Minnesota Board of Nursing (Minnesota Board), dated October 2, 2014, and signed by Respondent and by the Executive Director of the Minnesota Board.

1.5 The other jurisdiction based its prohibition on a finding that Respondent diverted tramadol from a hospital's Pyxis machine and failed to document the tramadol as administered or wasted. In Washington, Respondent's conduct would violate RCW 18.130.180(6) and (7), and WAC 246-840-710(2)(c)(e).

II. CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent's credential to practice as a registered nurse. RCW 18.130.040.

2.2 The Commission has designated summary action authority to the presiding officer in cases involving alleged violations of RCW 18.130.180(5).

2.3 RCW 18.130.180 defines unprofessional conduct as including:

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction.

RCW 18.130.370 states:

Any individual who applies for a license or temporary practice permit or holds a license or temporary practice permit and is prohibited from practicing a health care profession in another state because of an act of unprofessional conduct that is substantially equivalent to an act of unprofessional conduct prohibited by this chapter or any of the chapters specified in RCW 18.130.040 is prohibited from practicing a health care profession in this state until proceedings of the appropriate disciplining authority have been completed under RCW 18.130.050.

RCW 18.130.050(8) in its relevant part provides:

Consistent with RCW 18.130.370, a disciplining authority *shall* issue a summary suspension of the license or temporary practice permit of a license holder prohibited from practicing a health care profession in another state, federal, or foreign jurisdiction because of an act of unprofessional conduct that is substantially equivalent to an act of unprofessional conduct prohibited by this chapter or any of the chapters specified in RCW 18.130.040. The summary suspension remains in effect until proceedings by the Washington disciplining authority have been completed; (*emphasis added*).

2.4 The type of unprofessional conduct alleged in the Minnesota disciplinary action is substantially equivalent to unprofessional conduct that is prohibited by Washington statute RCW 18.130.180(6) (possession of a controlled drug other than for legitimate use or diversion of a legend drug); RCW 18.130.180(7) (violation of statute or administrative rule); and WAC 246-840-710(2)(c) and (e) (repeated failure to make entries pertaining to medication and failure to follow procedure for wastage of medication).

2.5 Summary suspension pending further proceedings is mandatory in cases where a respondent is prohibited from practicing in another state or foreign jurisdiction because of conduct that is substantially equivalent to an act of unprofessional conduct under Washington statute or regulation. A lesser restrictive alternative is not available. The Findings of Fact establish that the requested summary action is necessary, and legislatively mandated to protect public health, safety, or welfare.

III. ORDER

3.1 Based on the Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's credential to practice as a registered nurse is SUMMARILY SUSPENDED pending further disciplinary proceedings by the Commission.

EX PARTE ORDER OF
SUMMARY ACTION

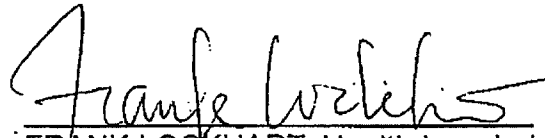
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Master Case No. M2014-1195

Respondent shall immediately deliver all credential(s), including wall, display, and/or wallet, if any, to the Department.

3.2 It is HEREBY ORDERED that a protective order in this case is GRANTED. All healthcare information and non-conviction data contained in the Ex Parte Motion, Declaration, and attached exhibits shall not be released except as provided in RCW 70.02 and RCW 10.97. RCW 34.05.446(1) and WAC 246-11-400(2) and (5).

Dated this 20 day of November, 2014..


FRANK LOCKHART, Health Law Judge
Presiding Officer

For more information, visit our website at:

<http://www.doh.wa.gov/PublicHealthandHealthcareProviders/HealthcareProfessionsandFacilities/Hearings.aspx>

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of

No. M2014-1195

BRANDYN MOYA SALEM
Credential No. RN.RN.60018914

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
FINAL ORDER OF DEFAULT
(Failure to Respond)**

Respondent

This matter is before the Presiding Officer, on designation by the Nursing Care Quality Assurance Commission (Commission), for final order of default. Based on the record, the Presiding Officer issues the following:

1. FINDINGS OF FACT

1.1 Respondent was issued a credential to practice as a registered nurse by the state of Washington on June 24, 2008. Respondent's credential is currently summarily suspended.

1.2 On or about October 2, 2014, the Minnesota Board of Nursing suspended Respondent's credential to practice as a registered nurse for a minimum of twelve (12) months. The Minnesota Board concluded that Respondent diverted tramadol from a hospital's Pyxis machine on multiple occasions between approximately January 26, 2014 and February 5, 2014 while working as a traveling pediatric nurse.

1.3 On November 21, 2014, the Commission served Respondent with a copy of the following documents at Respondent's last known address:

- A. Statement of Charges;
- B. Notice of Your Legal Rights;
- C. Answer to Statement of Charges and Request for Adjudicative Proceeding (Answer);
- D. Ex Parte Motion for Order of Summary Action; and
- E. Declaration of Catherine Woodard in Support of Motion for Summary Action with attachments.

1.4 The Answer was due in the Adjudicative Clerk Office by December 11, 2014.
RCW 18.130.090.

1.5 The Adjudicative Clerk Office has not received the Answer. On December 12, 2014, the Adjudicative Clerk Office issued a Notice of Failure to Respond.

1.6 The Commission has no reason to believe Respondent is now on active duty in the U.S. armed forces.

2. CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent and over the subject matter of this case, RCW 18.130.040.

2.2 Respondent did not file a request for hearing within the time allowed. RCW 18.130.090(1). Respondent is in default, and the Commission may issue a final order based on the evidence presented. RCW 18.130.090(1) and RCW 34.05.440.

2.3 Respondent has committed unprofessional conduct in violation of RCW 18.130.180(5).

2.4 The above violation provides grounds for imposing sanctions under RCW 18.130.160.

3. COMPLIANCE WITH SANCTION RULES

3.1 The disciplining authority applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. WAC 246-16-800(2)(b)(iv) provides that "indefinite suspension may be imposed in default and waiver of hearing orders."

3.2 The sanction of indefinite suspension adequately addresses the alleged facts of this case:

4. ORDER

The COMMISSION ORDERS:

4.1 Respondent's credential to practice as a registered nurse in the state of Washington is **INDEFINITELY SUSPENDED**.

4.2 Respondent may petition for reinstatement pursuant to RCW 18.130.150. The disciplining authority may agree to an order of reinstatement. If the disciplining authority does not agree, a hearing may be held on the petition. An order of reinstatement based on agreement or following a hearing may impose any terms and conditions listed in RCW 18.130.160 deemed necessary by the disciplining authority to protect the public and/or rehabilitate Respondent's practice.

4.3 Respondent shall immediately return all credentials to the Commission within ten (10) days of receipt of this Order.

4.4 Respondent shall assume all costs of complying with this Order.

4.5 The effective date of this Order is that date the Adjudicative Clerk Office places the signed order into the U.S. mail.

5. NOTICE TO PARTIES

This Order will be reported to the National Practitioner Databank (45 CFR Part 60) and elsewhere as required by law. It is a public document and will be placed on the Department of Health's website and otherwise disseminated as required by the Public Records Act (Chap. 42.56 RCW) and the Uniform Disciplinary Act. RCW 18.130.110.

Any Party may file a petition for reconsideration. RCW 34.05.461(3); RCW 34.05.470. The petition must be filed within ten (10) days of service of this Order with:

Adjudicative Clerk Office
Adjudicative Service Unit
PO Box 47879
Olympia, WA 98504-7879

and a copy must be sent to:

State of Washington
Department of Health
Nursing Care Quality Assurance Commission
PO Box 47864
Olympia, WA 98504-7864

The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration is considered denied twenty (20) days after the petition is filed if the Adjudicative Clerk Office has not responded to the petition or served written notice of the date by which action will be taken on the petition.

A petition for judicial review must be filed and served within thirty (30) days after service of this Order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is not required before seeking judicial review. If a petition for


reconsideration is filed, however, the thirty (30) day period will begin to run upon the resolution of that petition.

RCW 34.05.470(3).

The Order remains in effect even if a petition for reconsideration or petition for review is filed. "Filed" means actual receipt of the document by the Adjudicative Clerk Office. RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail. RCW 34.05.010(19).

DATED: January 5, 2015

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION



PRESIDING OFFICER

PRESENTED BY:



SARA J. KIRSCHENMAN, WSBA #35571
DEPARTMENT OF HEALTH STAFF ATTORNEY

1/5/15

DATE