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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Advanced Practice Registered	§	AGREED
Nurse License Number AP120669, Prescription	§	
Authorization Number 11584 and	§	
Registered Nurse License Number 741425	§	
issued to BRITTANY NICOLE LEWIS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRITTANY NICOLE LEWIS, Advanced Practice Registered Nurse License Number AP120669, Prescription Authorization Number 11584, and Registered Nurse License Number 741425, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 25, 2015.

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. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Texas A&M University, Corpus Christi, Texas, on May 7, 2007, and received a Masters in Nursing from Texas A&M University, Corpus Christi, Texas, May 14, 2011. Respondent was licensed to practice professional nursing in the State of Texas on June 5, 2007. Respondent received authorization from the Board to practice as a Family Nurse Practitioner with prescription authorization on July 28, 2011.

5. Respondent's nursing employment history includes:

2001 - 2006	Unknown	
2007 - 2011	Staff RN/ Intensive Care Unit	Christus Spohn Hospital-South Corpus Christi, Texas
2009 - 2011	Neonatal Transport Nurse	Christus Spohn Hospital-South Corpus Christi, Texas
08/11 - 12/11	Family Nurse Practitioner	Almouie Pediatrics Corpus Christi, Texas
01/12 - Present	Family Nurse Practitioner	A thru Z Pediatrics San Antonio, Texas

6. At the time of the incidents, Respondent was employed as a Family Nurse Practitioner with A thru Z Pediatrics, San Antonio, Texas, and had been in that position for two (2) years and seven (7) months.
7. During January 2012, through August 2014, while employed as a Pediatric Nurse Practitioner with A thru Z Pediatrics, San Antonio, Texas, Respondent utilized prescription forms which were pre-signed by the supervising physician to issue prescriptions for Schedule II medications, including Adderall and Vyvanse, for patients. In addition, the facility was not an authorized site for Advanced Nurse Practitioners (APN) to issue Schedule II medications. Respondent's conduct was likely to deceive the pharmacy and is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
8. During January 2012, through August 2014, while employed as a Pediatric Nurse Practitioner with A thru Z Pediatrics, San Antonio, Texas, Respondent issued prescriptions for controlled substances to patients without the required Controlled Substance Registration from the Department of Public Safety (DPS) and Drug Enforcement Administration (DEA) registration. Respondent's conduct was likely to deceive the pharmacy and is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she was not aware that they were not an authorized site for Schedule II medications. "It is possible I issued prescriptions for controlled substances on that date." Respondent admits that she did not have a DEA or DPS registration. Her supervising physician is an expert in caring for ADHD management and has trained her to care for these patients and complete follow-ups with their medication refills. Under the contract with her supervising physician she has extensive training in ADHD treatment and they specialize in brain development at the clinic which helps children with their learning disabilities, family dynamics, and behavioral disorder. Respondent states that there was no intent to deceive the pharmacies.

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)&(4)(B), 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(11)(B), and 22 TEX. ADMIN. CODE §222.4(b).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP120669, Prescription Authorization Number 11584, and Registered Nurse License Number 741425, heretofore issued to BRITTANY NICOLE LEWIS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. 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.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

NOW, THEREFORE, IT IS FURTHER AGREED and ORDERED that Prescription Authorization Number 11584, heretofore issued to BRITTANY NICOLE LEWIS, is LIMITED by the Texas Board of Nursing. In connection with this limitation, the Board imposes the following conditions:

- (1) RESPONDENT is no longer authorized by the Board to prescribed any controlled substances under Prescription Authorization Number 11584, and SHALL NOT prescribe or order any controlled substances.
- (2) RESPONDENT shall not petition the Board for reinstatement of an unrestricted prescription authorization until RESPONDENT has successfully completed all of the terms and requirements of this Order.
- (3) RESPONDENT shall not register or otherwise obtain a DEA Controlled Substances Registration Certificate(s) or DPS Controlled Substances Registration Certificate(s) until Respondent has petitioned the Board and received written authorization from the Board.

- (4) RESPONDENT shall not petition the Board for permission to register or obtain a DEA Controlled Substances Registration Certificate(s) or DPS Controlled Substances Registration Certificate(s) until RESPONDENT has successfully completed all of the terms and requirements of this Order.
- (5) Upon petitioning for reinstatement of RESPONDENT'S unrestricted prescription authorization, RESPONDENT SHALL satisfy all then existing requirements. Further, the Board may impose additional restrictions or stipulations to accompany the re-issuance of the RESPONDENT'S unrestricted prescription authorization, as deemed appropriate and necessary by the Board.

IT IS FURTHER AGREED and ORDERED that Advanced Practice Registered Nurse License Number AP120669 and Registered Nurse License Number 741425, issued to BRITTANY NICOLE LEWIS, shall receive the sanction of **REPRIMAND WITH STIPULATIONS** 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 courses **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A 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. **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. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as an advanced practice registered nurse have elapsed. Any quarterly period without continuous

employment as an advanced practice registered nurse with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

- A. Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.
- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.
- C. Monitored Practice:** RESPONDENT'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as Respondent who has been approved by the Board. RESPONDENT MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of three (3) Advanced Practice Registered Nurses and/or three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered

Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of Respondent's receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.

- D. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each supervising/monitoring Advanced Practice Registered Nurse or Physician to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Advanced Practice Registered Nurse or Physician who supervises/monitors the RESPONDENT and these reports shall be submitted by the supervising/monitoring Advanced Practice Registered Nurse or Physician to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

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 12 day of August, 2015.

Brittany Lewis
BRITTANY NICOLE LEWIS, Respondent

Sworn to and subscribed before me this 12 day of August, 2015.

SEAL

Kellie L. Tinoco

Notary Public in and for the State of TEXAS



Approved as to form and substance.

Oscar San Miguel
Oscar San Miguel, Attorney for Respondent

Signed this 12th day of August, 2015.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of August, 2015, by BRITTANY NICOLE LEWIS, Advanced Practice Registered Nurse License Number AP120669, Prescription Authorization Number 11584, and Registered Nurse License Number 741425, and said Order is final.

Effective this 8th day of September, 2015.



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