



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.  
*William P. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Advanced Practice Registered       §       AGREED  
Nurse License Number AP115712                       §  
& Registered Nurse License Number 683641       §  
issued to JAMES ALLEN BRASIER                     §       ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JAMES ALLEN BRASIER, Advanced Practice Registered Nurse License Number AP115712 and Registered Nurse License Number 683641, 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. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in delinquent status.
4. Respondent received a Baccalaureate Degree in Nursing from University of Texas, Austin, Texas, on December 10, 2001. Respondent was licensed to practice professional nursing in the State of Texas on January 29, 2002, and was licensed to practice as an advanced practice register nurse in the role of Nurse Anesthetist in the State of Texas on February 28, 2007.

5. Respondent's nursing employment history includes:

1/07-2/08	CRNA	Diagnostic & Surgery Hospital of Arlington Arlington, Texas
1/07-2/08	CRNA	John Peter Smith Hospital Fort Worth, Texas
2/08-6/09	CRNA	Fort Duncan Regional Medical Center Eagle Pass, Texas
7/09-12/10	CRNA	Locum Tenens with Benchmark Anesthesia Texas
8/09-12/10	CRNA	Locum Tenens with OmniStaff Anesthesia Texas
12/10-2/12	CRNA	Laredo Medical Center Laredo, Texas
2/12-6/13	CRNA	Atlas Anesthesia Irving, Texas
7/13-3/14	CRNA	Southwest Anesthesiology Dallas, Texas
4/14-Present	Unknown	

7. At the time of the initial incident, Respondent was employed as a Certified Registered Nurse Anesthetist with Southwest Anesthesiology, and had been in that position for approximately six (6) months.

8. On or about January 2014, while employed as an Certified Registered Nurse Anesthetist with Southwest Anesthesiology Associates, LLP, Dallas, Texas and providing anesthesia services in the Labor and Delivery unit of the Women's and Children's Department of Methodist Charlton Medical Center, Dallas, Texas, Respondent lacked fitness to practice when he left the operating room multiple times procedures with a "glazed" look and appeared "zoned out". Additionally, Respondent was observed falling asleep while on he feet and was continually scratching himself and appearing "itchy". Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

9. On or about February 7, 2014, through February 11, 2014, while employed as an Certified Registered Nurse Anesthetist with Southwest Anesthesiology Associates, LLP, Dallas, Texas and providing anesthesia services in the Labor and Delivery unit of the Women's and Children's Department of Methodist Charlton Medical Center, Dallas, Texas, Respondent withdrew Fentanyl from the Medication Dispensing System (Omniceil) for multiple patients, but failed to document, or accurately and completely document, the administration of the medications in the patients' medical records. Respondent's conduct created inaccurate medical records and was likely to injure the patients, in that subsequent care givers would rely on his documentation to further medicate the patients, which could result in an overdose. Furthermore, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
10. On or about February 7, 2014, through February 11, 2014, while employed as an Certified Registered Nurse Anesthetist with Southwest Anesthesiology Associates, LLP, Dallas, Texas and providing anesthesia services in the Labor and Delivery unit of the Women's and Children's Department of Methodist Charlton Medical Center, Dallas, Texas, Respondent withdrew Fentanyl from the Medication Dispensing System (Omniceil), for multiple patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code of the Texas Health and Safety Code.
11. On or about February 7, 2014, through February 11, 2014, while employed as an Certified Registered Nurse Anesthetist with Southwest Anesthesiology Associates, LLP, Dallas, Texas and providing anesthesia services in the Labor and Delivery unit of the Women's and Children's Department of Methodist Charlton Medical Center, Dallas, Texas, Respondent misappropriated Fentanyl belonging to the facility and patients, thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications, and is a violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code of the Texas Health and Safety Code.
12. On or about February 26, 2014, while holding a license as a Registered Nurse in the State of Texas, Respondent submitted an online renewal application to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:
  - A. been convicted of a misdemeanor?
  - B. been convicted of a felony?
  - C. pled nolo contendere, no contest, or guilty?
  - D. received deferred adjudication?

- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"

Respondent failed to disclose that on or about November 23, 2013, he was arrested by the Tarrant County Sheriff's Office, Fort Worth, Texas, for INTERFER W/EMERGENCY CALL, a Class A Misdemeanor offense, for ASSAULT FAM/HOUSE MEM IMPEDE BREATHE/ CIRCULAT, a 3rd Degree felony, and for AGG ASSAULT DATE/FAMILY/HOUSE W/WEAPON, a 1st Degree felony.

13. On or about March 17, 2014, while employed as an Certified Registered Nurse Anesthetist with Southwest Anesthesiology Associates, LLP, Dallas, Texas and providing anesthesia services in the Labor and Delivery unit of the Women's and Children's Department of Methodist Charlton Medical Center, Dallas, Texas, Respondent withdrew fourteen (14) vials of Fentanyl for Patient CU00692789, who was not an L&D unit patient at the time and for whom Fentanyl was not warranted. Additionally, Respondent performed a blood patch procedure which Fentanyl was not indicated as needed. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications, and is a violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code of the Texas Health and Safety Code.
14. On or about March 17, 2014, while employed as an Certified Registered Nurse Anesthetist with Southwest Anesthesiology Associates, LLP, Dallas, Texas and providing anesthesia services in the Labor and Delivery unit of the Women's and Children's Department of Methodist Charlton Medical Center, Dallas, Texas, Respondent falsified in the medical records that he administered Fentanyl to Patient CU00692789, when he had not given the medication. Respondent's conduct was deceptive, created an inaccurate medical record, and was likely to injure the patient in that subsequent care givers would rely on his documentation on which to base their decisions for further care.
15. On or about July 8, 2014, Respondent defaulted on his guaranteed student loans, as provided in Section 57.491 of the Texas Education Code. Respondent's failure to repay a Texas Guaranteed Student Loan may have deprived other students of funds necessary for their educational programs.
16. Formal Charges were filed and mailed on January 30, 2015.

17. Amended Formal Charges were filed May 29, 2015.
18. Amended Formal charges were mailed to Respondent on June 4, 2015.
19. Respondent, by his/her signature to this Order, expresses his/her desire to voluntarily surrender his/her license(s) to practice nursing in the State of Texas.
20. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
21. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A)(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(4),(6)(G),(6)(I),(7),(8),(10)(C)(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP115712 and Registered Nurse License Number 683641, heretofore issued to JAMES ALLEN BRASIER, 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.
6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

8. 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 Advanced Practice Registered Nurse License Number AP115712 and Registered Nurse License Number 683641, heretofore issued to JAMES ALLEN BRASIER, 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 advanced practice registered nursing, use the title "advanced practice registered nurse" or the abbreviation "APRN" or wear any insignia identifying herself/himself as an advanced practice registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is an advanced practice registered nurse during the period in which the license is surrendered.
2. 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.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
  - A. At least one (1) year has elapsed from the date of this Order; and
  - B. RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition for reinstatement.
4. 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.

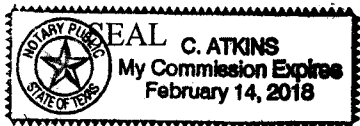
RESPONDENT'S CERTIFICATION


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 6 day of July, 2016.

  
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JAMES ALLEN BRASIER, Respondent

Sworn to and subscribed before me this 6<sup>th</sup> day of July, 2016.



  
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Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept the voluntary surrender of Advanced Practice Registered Nurse License Number AP115712 and Registered Nurse License Number 683641, previously issued to JAMES ALLEN BRASIER.

Effective this 6<sup>th</sup> day of July, 2016.



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