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*Katherine A. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 760927	§	
issued to BRANDI JO WALL	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRANDI JO WALL, Registered Nurse License Number 760927, 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 June 15, 2016.

### FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Angelo State University, San Angelo, Texas, on August 14, 2008. Respondent was licensed to practice professional nursing in the State of Texas on September 16, 2008.
5. Respondent's nursing employment history includes:

9/2008 - 11/2011	Staff Nurse	Shannon Medical Center San Angelo, Texas
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Respondent's nursing employment history continued:

8/2010 - 8/2011	Staff Nurse	Shannon OB/GYN Clinic San Angelo, Texas
8/2011 - 1/2013	Home Health Registered Nurse (RN)	Intrepid USA Homecare San Angelo, Texas
1/2013 - 4/2013	Staff Nurse	Angelo State University Health & Wellness San Angelo, Texas
4/2013 - Present	Staff Nurse	RiverCrest Hospital San Angelo, Texas
11/2013 - 8/2014	Home Health RN	Accolade Home Care Midland, Texas
9/2014 - 1/2016	Branch Agency Director	Accolade Home Care San Angelo, Texas
2/2016 - Current	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Home Health RN with Accolade Home Care, Midland, Texas, and had been in that position for one (1) year and four (4) months.
7. On or about March 30, 2015, while employed as a Home Health RN with Accolade Home Care, Midland, Texas, Respondent failed to obtain clarification from the physician regarding administering or holding Vancomycin, an antibiotic, when she was unable to obtain the Vancomycin trough level drawn on March 27, 2015, and administered Vancomycin to Patient MK, who had osteomyelitis. Trough levels provide information to determine safe and therapeutic dosing of Vancomycin. Subsequently, the patient was hospitalized and found to have a high Vancomycin blood level. Respondent's conduct exposed the patient unnecessarily to sub-therapeutic or excessive Vancomycin dosing and could have adversely affected healing.
8. On or about March 30, 2015, while employed as a Home Health RN with Accolade Home Care, Midland, Texas, Respondent failed to draw a Vancomycin trough as ordered before administering Vancomycin to the aforementioned Patient MK. Respondent administered Vancomycin to the patient, and then returned to the patient's home to draw the Vancomycin trough five (5) hours later. Respondent's conduct exposed the patient unnecessarily to inaccurate Vancomycin dosing and could have adversely affected healing.

9. On or about December 18, 2015, while employed as a Branch Agency Director with Accolade Home Health Care, San Angelo, Texas, Respondent failed to use a gait belt and stood beside Patient RD, whose left leg was amputated, while the patient attempted to get on the scale to obtain her weight. The patient had just returned home from a skilled nursing facility four (4) days earlier, and had not yet been evaluated by the agency physical therapist. The patient fell, fractured her right leg, and required surgery to repair the fracture and five (5) months of rehabilitation. Respondent's conduct may have contributed to the patient suffering the adverse effects of leg fracture.
10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that on March 28, 2015 and March 29, 2015, she called the Community Medical Center lab requesting for the patient's Vancomycin trough level results to be faxed to the office but got no response. Respondent indicates that on Monday, March 30, 2015, she did administer Vancomycin without receiving the trough level from March 27, 2015. Respondent states that she didn't receive any call from the patient's physicians to hold the Vancomycin, and there was no order stating when to hold the Vancomycin. Respondent relates that the lab results were requested stat, and when the levels were obtained, she called the Community Wound Care and called and faxed the results as well as sending them to the physician's office. Respondent states that she was notified the next morning by the RN from the Community Wound Care requesting that she send the patient to the ER for evaluation. Respondent states that she did administer Vancomycin on Monday, March 30, 2015, and then went back to the patient's home to draw another Vancomycin trough level. Regarding Patient RD, Respondent states that the patient had been evaluated the day prior by another home health agency, but the family turned them down. Respondent adds that the patient previously worked with her same company and the patient was excessively concerned about her weight. Respondent states that when she made the visit, she was going to remove the scale because she did not think it was safe, but the patient became very upset and insisted it be kept there. Respondent states that the patient had been weighing herself daily at rehab, but at home tried to use her walker to stabilize herself with Respondent present, and her arms gave way, her leg buckled, and she fell to the ground. Respondent adds that she assisted the patient to her wheelchair and called 911.

#### 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)(G),(1)(M)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 760927, heretofore issued to BRANDI JO WALL, 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**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT 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

course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.
- B. A Board-approved course in medication administration with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. The course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

#### IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical 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 a nurse have elapsed. Any quarterly period without continuous employment 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 registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- D. Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- E. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer 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 nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse 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

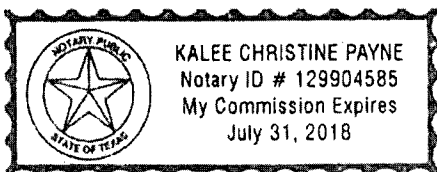
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary 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 25 day of July, 2016.

Brandi Jo Wall  
BRANDI JO WALL, Respondent

Sworn to and subscribed before me this 25 day of July, 2016.

SEAL



Kalee Christine Payne

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 27th day of July, 2016.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 25<sup>th</sup> day of July, 2016, by BRANDI JO WALL, Registered Nurse License Number 760927, and said Order is final.

Effective this 13<sup>th</sup> day of September, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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