



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 843536 §
issued to FAY LYN BRINK § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of FAY LYN BRINK, Registered Nurse License Number 843536, 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)(8), (10) & (13) and 304.001, Article 5, 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 October 20, 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 Texas Womans University, Denton, Texas, on May 11, 2013. Respondent was licensed to practice professional nursing in the State of Texas on August 27, 2013.
5. Respondent's nursing employment history is unknown.
6. On or about March 19, 2016, while utilizing a Privilege to Practice (PTP) nursing from the State of Texas and employed with Republic Health Resources, Irving, Texas, and on assignment with Altru Health System, Grand Forks, North Dakota, Respondent falsely

documented in Patient MR# 249460's Medication Administration Record (MAR) that she removed a lidocaine patch, when she actually did not remove the patch per the physician's order. The patch was subsequently found on the patient's lower back. Respondent's conduct created an inaccurate medical record and was likely to injure the patient in that subsequent care givers would rely on her documentation to further administer care to the patient. Furthermore, Respondent's conduct was likely to injure the patient in that administration of lidocaine in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions

7. On or about March 19, 2016, while utilizing a Privilege to Practice (PTP) nursing from the State of Texas and employed with Republic Health Resources, Irving, Texas, and on assignment with Altru Health System, Grand Forks, North Dakota, Respondent failed to institute appropriate nursing interventions for Patient MR# 249460 when the patient's oxygen saturation reading was between 60%-65% in that she did not call Rapid Response nor tried a non-breather or venti-mask. Respondent also failed to call a physician or inform the Charge Nurse of the decline in the patient's condition. Respondent's conduct delayed the patient in getting the care needed to stabilize his decompensating condition.
8. On or about September 29, 2016, Respondent's Privilege to Practice as a registered nurse in the State of North Dakota was issued a Reprimand by the North Dakota Board of Nursing, Bismarck, North Dakota. A copy of the North Dakota Board of Nursing's Findings of Fact, Conclusions of Law, and Order dated September 29, 2016, is attached and incorporated, by reference, as part of this Order.
9. In response to Finding of Fact Number six (6), Respondent admits to said conduct and explains it was due to her being unable to find the patch, which she believed had fallen off of the patient. She states it was not an intentional falsification but an oversight in failing to not change the time of the documented removal after it was discovered.

Regarding the conduct outlined in Finding of Fact Number Seven (7), Respondent states she did what she believed to be reasonable in that the patient's decompensated condition was quickly addressed upon discovery. Respondent adds if the patient's condition necessitated further action such as changing the method of oxygen delivery, calling a Rapid Response or initiating a transfer to a higher level of care, she would have taken those steps at that time. She explains since the doctor was present at the time of the patient's decompensation and re-stabilization did not deem these further actions necessary when asked, she trusted the doctor's judgement that the patient needed no further intervention.

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)(D), (1)(M) & (1)(P) and 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(B), (4) & (6)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(8), (10) & (13) and 304.001, Article 5, Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 843536, heretofore issued to FAY LYN BRINK, 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 physical assessment** 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 must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. 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. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.~~
- D. **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 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. **Indirect Supervision:** 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.

- D. 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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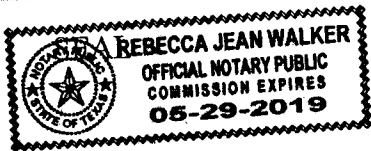
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 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 18th day of November, 2016.

Fay Lyn Brink
FAY LYN BRINK, Respondent

Sworn to and subscribed before me this 18th day of November, 2016.



Rebecca Jean Walker
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 18th day of November, 2016, by FAY LYN BRINK, Registered Nurse License Number 843536, and said Order is final.

Effective this 13th day of December, 2016.



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

BEFORE THE BOARD OF NURSING OF THE STATE OF NORTH DAKOTA

In Re: The Privilege To
Practice Nursing of:
Fay Thibodeaux, RN
DOB: 4/15/1984

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

The above-entitled matter came on for consideration before the Board of Nursing of the State of North Dakota (the "Board") on the 20th day of SEPTEMBER, 2016; the Licensee having waived her right to issuance of a formal administrative complaint and her right to a hearing and having consented to the entry of the Board's Order pursuant to a "STIPULATION FOR SETTLEMENT" executed by the Licensee on the 21st day of SEPTEMBER, 2016; the Board's deliberations having been held pursuant to information duly brought to the attention of the Board relative to the professional status of the Licensee as a Registered Nurse; that the Licensee, Fay Thibodeaux, not being present at such deliberations, and having waived her right to be present and present testimony; that the Board was represented by its legal counsel, Special Assistant Attorney General Brian L. Bergeson; that at such deliberations the Board received the sworn written testimony presented to the Board by the Licensee, through her "STIPULATION FOR SETTLEMENT," and based upon all the files and records herein, and the Board being fully informed in the premises, does now make and file herein the following:

1. The Board adopts as its Findings of Fact and Conclusions of Law, the facts and conclusions set out in the "STIPULATION FOR SETTLEMENT," which is incorporated herein by reference.

2. The Board accepts and agrees to the terms of the "STIPULATION FOR SETTLEMENT."
3. The Board adopts as its ORDER the sanctions agreed upon by the Licensee as set out in the "STIPULATION FOR SETTLEMENT."

Dated this 29th day of SEPTEMBER, 2016.

NORTH DAKOTA BOARD OF NURSING

By: *Jane Christianson*

Jane Christianson, RN
President

By: *Dr. Stacey Pfennig APRN, FNP*

Dr. Stacey Pfennig, APRN, FNP
Executive Director

Approved as to form:

Brian Bergeson

Brian L. Bergeson
Special Assistant Attorney General
ID #05780
919 South 7th Street, Suite 504
Bismarck ND 58504
Phone: (701) 328-9783
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ATTORNEY FOR NORTH DAKOTA
BOARD OF NURSING

BEFORE THE BOARD OF NURSING OF THE STATE OF NORTH DAKOTA

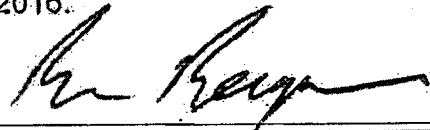
In Re: The Privilege To
Practice Nursing of:
Fay Thibodeaux, RN
DOB: 4/15/1984

NOTICE OF ENTRY OF
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

TO: Fay Thibodeaux

YOU WILL PLEASE TAKE NOTICE that the North Dakota Board of Nursing has entered and filed herein its Findings of Fact, Conclusions of Law, and Order in regard to the above-entitled matter, and that a true and correct copy of such Findings of Fact, Conclusions of Law, and Order are set out above and in the "STIPULATION FOR SETTLEMENT" which you have previously signed and the terms to which you have previously agreed, a true and correct copy of which is attached.

Dated this 29th day of SEPTEMBER, 2016.



Brian L. Bergeson
Special Assistant Attorney General
ID #05780
919 South 7th Street, Suite 504
Bismarck ND 58504
Phone: (701) 328-9783
Fax: (701) 328-9785
ATTORNEY FOR NORTH DAKOTA
BOARD OF NURSING

\$ 300
9/29/10

BEFORE THE BOARD OF NURSING OF THE STATE OF NORTH DAKOTA

In Re: The Privilege To
Practice Nursing of:
Fay Thibodeaux, RN
DOB: 4/15/1984



STIPULATION FOR SETTLEMENT

WHEREAS, the North Dakota Board of Nursing, hereinafter referred to as the "Board," is duly authorized by law to regulate the profession of nursing pursuant to Chapter 43-12.1 of the North Dakota Century Code, and related statutes, rules, policies and procedures; and

WHEREAS, Fay Thibodeaux, hereinafter referred to as "Licensee," is a Registered Nurse possessing a privilege to practice as such in North Dakota whose profession and the practice thereof is governed by the Board; and

WHEREAS, the purpose of this document is to outline the rights and responsibilities of the Licensee, minimize the time and expense, and voluntarily submit the Licensee to the jurisdiction of the Board in professional disciplinary proceedings by the Board against the Licensee.

NOW, THEREFORE, I, Fay Thibodeaux, hereby submit to the Board, under oath, the following Stipulation for Settlement:

FAY THIBODEAUX, BEING FIRST DULY SWORN, STATES AS FOLLOWS:

1.

My name is Fay Thibodeaux. I am a Registered Nurse, working in North Dakota under the Nurse Licensure Compact. My privilege to practice nursing in North Dakota is governed by the laws of the State of North Dakota and by the laws, rules, policies and

Certified True Copy
By Patricia Hill
North Dakota Board of Nursing

procedures of the Board. I was licensed by the Texas Board of Nursing as a Registered Nurse, and am presently so licensed (License # R843536).

2.

I recently practiced as a Registered Nurse at Altru Health System, Grand Forks, North Dakota ("Altru"), working on a contract through Republic Health Resources.

3.

While employed as a Registered Nurse at Altru, I engaged in the following conduct:

- A. On or about March 19, 2016, I was required to remove a lidocaine 5% patch from a patient's back at 0330. I could not readily find the patch and did not want to turn the patient in an effort to find the patch; nevertheless, I documented in the MAR that the patch was removed even though I did not actually take the patch off.
- B. During my shift from 7:00 pm to 7:00 am on March 19-20, 2016, my shift summary documentation reported "Foley catheter removed this shift" when the Foley catheter had actually been removed the previous shift. My shift assessment was the mirror image of the previous shift and failed to list detailed information pertinent to my particular shift.
- C. During my shift from 7:00 pm to 7:00 am on March 19-20, 2016, I failed to document a decline in a patient's condition even though the patient's oxygen saturation registered in the 60's. My documentation also failed to indicate whether the physician or the charge nurse was notified about the decline in the patient's condition.

4.

I admit that during the times and places set out above, I engaged in the conduct described above and practiced as a Registered Nurse under those circumstances.

5.

I agree that the conduct described above, and to which I am admitting, is conduct that violates the Nurse Practices Act as found in Section 43-12.1-14, Subsection 3, of the North Dakota Century Code, in that such conduct constitutes having engaged in any practice inconsistent with the standards of nursing practice.

6.

I further agree that the conduct described above, and to which I am admitting, is conduct that violates Section 54-02-07-01.1, Subsections 6 and 7, of the North Dakota Administrative Code, in that such conduct constitutes:

- A. Performance of nursing interventions in a manner inconsistent with acceptable nursing standards; and
- B. Inaccurate or incomplete documentation.

7.

I hereby consent that the Board of Nursing of the State of North Dakota may enter its Order disciplining me as a Registered Nurse, pursuant to Section 43-12.1-14, ~~N.D.C.C., Section 54-02-10-05, N.D.A.C., and all applicable laws, rules, policies and~~ procedures.

8.

My consent that the Board may enter its discipline and sanction against me as a Registered Nurse is conditioned upon the Board agreeing to the following imposition of discipline:

- A. The Board will issue and I shall accept a REPRIMAND for the behavior as described above and I further agree to refrain from such behavior in the future.

B. I agree to pay a penalty fee of Six Hundred Dollars (\$600.00).

Insert your initials by the preferred method of payment listed below.

a) I have submitted the total amount due with this signed Stipulation for Settlement.

b) I have submitted one-half of the total amount due with this signed Stipulation for Settlement and shall pay the remaining balance within sixty (60) days from the date of the Board's Order.

C. I shall pay costs and disbursements assessed pursuant to N.D.C.C. § 43-12.1-13 in an amount certified by the Executive Director of the Board within sixty (60) days of receipt of the amount due.

D. I understand and agree that the Board may pursue the civil collection against me for the nonpayment of any fees, costs and disbursements I may owe to the Board under the Board's Order, regardless of and in addition to any other provision of the Board's Order.

E. I understand and agree that if I fail to duly pay all fees, costs and disbursements as assessed by the Board in this disciplinary matter, my privilege to practice nursing in North Dakota shall be suspended until such time as any unpaid fees, costs and disbursements that I may owe the Board in this matter are fully paid to the Board. In such event, I understand and agree that my privilege shall be automatically suspended, or subjected to a cease and desist order, under these circumstances without further notice or opportunity for hearing, and I hereby waive my right to contest such suspension or cease and desist order under these circumstances, except I retain the right to contest whether or not I have duly made such payments.

F. I understand the facts, disciplinary action and other matters contained in this Stipulation for Settlement will be reported to health care agencies in North Dakota and to the boards of nursing of other states via the Nursys Data Bank of the National Council of State Boards of Nursing, as required by N.D.C.C. § 43-12.1-13, and to data banks as required by federal law, including the National Practitioners Data Bank.

G. The effective date of the Board's Order shall be the date of the Board's Order.

H. I understand and agree that I shall have no right to appeal the Board's Order.

- I. All provisions and conditions of the Board's Order shall carry over to any license, registration or privilege to practice nursing or to assist in the practice of nursing in North Dakota that I receive, including pursuant to any multi-state nursing licensure compact with the Board.
- J. I agree that any notice of suspension or other communication required or permitted under the Board's Order shall be in writing, and shall be personally served upon me or sent to me via first class mail at the following address or at such other address as may be hereinafter designated in writing by me:

Fay Thibodeaux
5610 McKnight St.
Houston TX 77035

Any such notice mailed to me at the above address, or such other address as may be hereinafter designated in writing by me, shall be deemed to be received by and served upon me three (3) days after the notice is deposited, postage prepaid in the U.S. Mail.

CONSENT TO ORDER AND WAIVER

1.

I hereby consent that, if the Board accepts the foregoing conditions and enters its Order accordingly, I then consent, ratify and approve the imposition of such Order against me by the Board. I hereby waive the issuance of a formal administrative complaint, my right to a hearing and all procedural rights regarding such hearing, including presentation of evidence at such hearing and presence of counsel, appeal of the Board's Order, all other rights under NDCC Chapters 28-32 and 43-12.1, and all other applicable laws, rules and procedures, except for notice of its Order which I may have under such circumstances pursuant to Chapters 43-12.1 and 28-32 of the North Dakota Century Code.

2.

I specifically waive my right to counsel, and I voluntarily and freely enter into this Stipulation for Settlement of my free will, without the advice of counsel, and without any promises having been made to me.

3.

In the event that the Board does not accept the facts and sanctions as I have set out above, or modifies these conditions to my detriment, I hereby revoke and withdraw this document along with all statements made by me herein, and I, under those circumstances, request a hearing before the Board on this matter.

Respectfully submitted this 21st day of September, 2016.

Fay L. Thibodeaux, RN
Fay Thibodeaux

Subscribed and sworn to before me this _____ day of _____, 2016.

Notary Public
State of North Dakota
My Commission Expires: _____

Approved as to form:

Brian Bergeson

Brian L. Bergeson
Special Assistant Attorney General
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ATTORNEY FOR NORTH DAKOTA
BOARD OF NURSING