



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.
Stephanie P. Johnson
Executive Director of the Board

IN THE MATTER OF PERMANENT
PERMANENT REGISTERED NURSE
LICENSE NUMBER 683558 &
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 143283
ISSUED TO
GARLAND EUGENE BROWN,
RESPONDENT

§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE
§

ORDER OF THE BOARD

TO: Garland Eugene Brown
316 Del Sur Dr.
Clinton, OK 73601

During open meeting held in Austin, Texas, on March 21, 2017, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and

conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 683558 and Permanent Vocational Nurse License Number 143283, previously issued to GARLAND EUGENE BROWN, to practice nursing in the State of Texas be, and the same are hereby, REVOKED.

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

Entered this 21st day of March, 2017.

TEXAS BOARD OF NURSING



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed January 23, 2017.

d17r(RN-LVN)(2016.05.11)

Re: Permanent Registered Nurse License Number 683558
& Permanent Vocational Nurse License Number 143283
Issued to GARLAND EUGENE BROWN
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2017, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:


Via USPS Certified Mail, Return Receipt Requested

Garland Eugene Brown
316 Del Sur Dr.
Clinton, OK 73601

Via USPS First Class Mail

Garland Eugene Brown
606 E. Redbud Dr., Apt. V-175
Stillwater, OK 74074

Garland Eugene Brown
4905 Courtyard Dr. Apt. 114
Irving, TX 75038-3320

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 683558 &	§	
Permanent Vocational Nurse	§	
License Number 143283	§	
Issued to GARLAND EUGENE BROWN,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, GARLAND EUGENE BROWN, is a Registered Nurse holding License Number 683558, which is in delinquent status at the time of this pleading, and is a Vocational Nurse holding License Number 143283, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about May 24, 2016, Respondent was issued a Stipulations, Settlement and Order by the Oklahoma Board of Nursing. Respondent's license to practice registered nursing in the State of Oklahoma was reprimanded. A copy of the Stipulations, and Stipulated Disposition and Order dated May 24, 2016, is attached and incorporated, by reference, as part of these Formal Charges.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

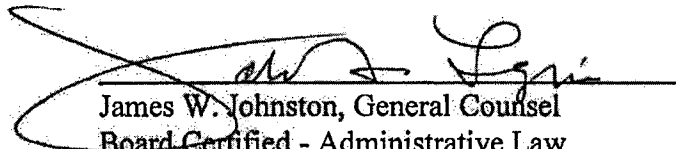
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order of the Oklahoma Board of Nursing dated May 24, 2016.

Filed this 23rd day of January, 2017.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533

Jacqueline A. Strashun, Assistant General Counsel
State Bar No. 19358600

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Oklahoma Board of Nursing dated May 24, 2016

D(2016.10.03)

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF GARLAND EUGENE BROWN, R.N./I.p.n.
LICENSE NO. R0091480
LICENSE NO. L0025062 (LAPSED)

STIPULATIONS, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 11th day of May, 2016, in the Conference Room of the Board Office, 2901 North Classen Boulevard, Suite 105, Oklahoma City, Oklahoma.

Michelle Wiens, R.N., a Nurse Investigator with the Board, appears in person, and Garland Eugene Brown, R.N./I.p.n., (hereinafter, "Respondent") having received notice voluntarily appears in person without counsel before the Panel on this date. Respondent and the Nurse Investigator participated in an investigative conference on February 10, 2016 and subsequently consented to this Stipulations, Settlement and Order ("Order"). The Respondent agrees that he has received timely Notice of the agreed Stipulations, Settlement and Order to be presented to the Informal Disposition Panel and to the Board.

The Board of Nursing has jurisdiction of this matter and authority to discipline Respondent through 59 O.S. §§567.2 and 567.8 and OAC 485:10-11.

Respondent has been advised of his right to an attorney and has voluntarily waived his right to an attorney.

STIPULATIONS

Respondent and the Panel hereby stipulate and agree to the following joint stipulations and proposed Order of the Board incorporating these stipulations and agreements in the above-styled matter.

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0091480 issued by the Oklahoma Board of Nursing.
2. Respondent's license to practice licensed practical nursing in the State of Oklahoma, License No. L0025062 is lapsed.
3. On or about November 3-7 and November 12-25, 2014 the Respondent, while working as Director of Nursing at Willow Park Health Care Center in Lawton, Oklahoma ("Health Care Center"), failed to ensure staff under the Respondent's supervision documented intake and output in Resident #1's medical record.¹ Additionally, on November 23-25, 2014, the Respondent failed to ensure physician orders were followed by staff under the Respondent's supervision for Resident #1 to have a regular diet by mouth in addition to supplemental feeding via PEG tube.²
4. Respondent's conduct violates the Oklahoma Nursing Practice Act, 59 O.S. §§567.1, *et seq.*, specifically, §§567.8. A.1.a.b.2.3.B.3.7.8. and Board Rules, OAC 485:10-11-1.(a)(b)(2)(3)(H)(4)(A).
5. No formal Complaint has been filed as of the date of these stipulations charging Respondent with violations of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal Complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this Order Respondent is waiving those

¹ Per Health Care Center policy, all residents receiving enteral nutritional therapy and all residents with an indwelling urinary catheter require measurement and general documentation of intake and output every eight (8) hours, including a twenty four (24) hour intake and output total and weekly evaluation.

² Resident #1 was receiving percutaneous endoscopic gastrostomy tube feedings four (4) times per day. There was no documented weight loss by Resident #1 while residing at the Health Care Center from November 3-7 and November 12-25, 2014.

rights.

6. This Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this matter. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this Order. Furthermore, should this Order not be accepted by the Board, it is agreed that presentation to and consideration of this Order and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

7. Respondent fully understands and agrees that this Order will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this Order.

8. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Order of the Board incorporating said stipulations.

9. It is expressly understood that this Order is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

10. This Order constitutes formal disciplinary action.

STIPULATED DISPOSITION AND ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent's license to practice registered nursing in the State of Oklahoma remains in effect, and that Respondent is disciplined as follows:

1. Respondent shall, within **ninety (90) days** before or after the receipt of this Order, successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, video Programs and Internet courses will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board; other laws; policies; and accreditation guidelines that govern the practice of nursing; the role of delegation and supervision; and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must indicate goals and objectives for the course; resources to be utilized; and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

2. Respondent shall, within **ninety (90) days** before or after the receipt of this Order, successfully complete a course on **Delegation and Supervision**. Respondent shall obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video Programs, and Internet courses will not be approved. The target audience must include licensed nurses. The course must be a minimum of four (4) contact hours in length. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. The course must address how nurses use delegation and supervision skills to make patient care decisions based on the nursing process. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

3. Within sixty (60) days from receipt of this Order, Respondent shall pay an administrative penalty payable to the Oklahoma Board of Nursing in the full amount of \$500.00. Partial payments are not accepted. The administrative penalty shall be paid only by certified check, money order or cash.

IT IS FURTHER ORDERED that the license to practice registered nursing held by Respondent is hereby reprimanded.

IT IS FURTHER ORDERED that Respondent shall comply in all respects with the Oklahoma Nursing Practice Act, 59 O.S. Sections 567.1, et seq., the Rules, OAC Title 485 Chapters 1 and 10 and Guidelines relating to nursing education, licensure and practice and this Order.

IT IS FURTHER ORDERED, prior to the Respondent's successful completion of this Order, any violations of the Oklahoma Nursing Practice Act by the Respondent, except as set forth herein, may require Respondent's appearance before the Board to Show Cause why Respondent's license should not be revoked or other such action taken as the Board deems necessary and proper.

IT IS FURTHER ORDERED that in the event the Certified Mail delivery of Respondent's Order is unsuccessful a process server will be hired to obtain service of the Order. If it is necessary to serve the Respondent by a process server, the Respondent shall reimburse the Board for the actual cost of the process server. The Respondent shall pay to the Board the actual cost of the process service within sixty (60) days of service of the process served Order. The process service fee shall be paid only by certified check, money order or cash to the Board.

IT IS FURTHER ORDERED that any failure to comply with submission of the administrative penalty, reimbursement of cost of process server, and/or written documentation by the due date, including but not limited to and proof of successful completion of educational courses,

will result in a three (3) month suspension of license. If a license is suspended, all Board ordered classes must be successfully completed and administrative penalty and process server costs must be paid prior to reinstatement of license. At the completion of the three-month suspension, any application for reinstatement may be submitted for processing by Board Staff for approval in accordance with the agency approval process or for referral to the Board. An administrative penalty of \$500.00 for each violation of Respondent's Board Order shall be paid by certified check, money order, or cash prior to reinstatement pursuant to statute, 59 O.S. §567.8.J.1. and 2., and OAC §485:10-11-2(c) of the Rules promulgated by the Board.

IT IS FURTHER ORDERED that the parties agree that both (all) parties have participated in the drafting of this Order and that no presumption or construction against any party as the drafter of this Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

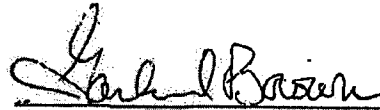
IT IS FURTHER ORDERED that should this Order not be accepted by the Board, it is agreed that presentation to and consideration of this Order and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

IT IS FURTHER ORDERED that this Order shall become final after anticompetitive review and a determination by the Oklahoma Attorney General, 74 O.S. §18b(A)(5), that the Order is in compliance with the Board's authority and mission to protect the public health, safety and welfare, and Respondent's receipt of the fully executed Order.

IT IS FURTHER ORDERED that this Order shall not be effective until the Respondent has accepted service of the fully executed Order.

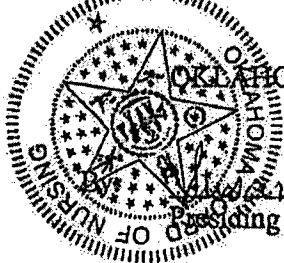
IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further Order of the Board shall be deemed necessary.

IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.



Respondent

Approved and ordered this 24th day of May, 2016.



OKLAHOMA BOARD OF NURSING



James Jones Ph.D., APRN-CNS
Presiding Board Officer

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