



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 ORDER
Registered Nurse License Number 982568 §
issued to BRETT M. HEBERT §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRETT M. HEBERT, Registered Nurse License Number 982568, 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), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 29, 2020.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Le Fletcher Technical Community College, Houma, Louisiana, on May 1, 2012. Respondent was licensed to practice professional nursing in the State of Texas on January 14, 2020.
5. Respondent's nursing employment history is unknown.

6. On or about March 27, 2020, Respondent received a Consent Order from the Louisiana State Board of Nursing, Baton Rouge, Louisiana. A copy of the Consent Order from the Louisiana State Board of Nursing, dated March 27, 2020, is attached and incorporated by reference as part of this pleading.
7. In response to Finding of Fact Number Six (6), Respondent states he was the night charge nurse of the Critical Care Unit at Terrebonne General Medical Center in Houma, Louisiana. Respondent states, after morning report at the end of his shift, a fellow nurse who had been ill and didn't want to call in because they were short staffed, asked Respondent if he would help him start an IV on himself. Respondent states in a lapse of judgement, he let his compassion for an ill coworker override his knowledge that this was inappropriate. Respondent states he assisted his co-worker in starting the IV and left the unit.
8. On or about May 10, 2020, Respondent successfully completed a Board approved course in Sharpening Critical Thinking Skills, which would have been a requirement of this Order.

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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 982568, heretofore issued to BRETT M HEBERT.
4. 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 **REMEDIAL EDUCATION** 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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. 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 and video programs will not be approved.

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.*

V. **RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

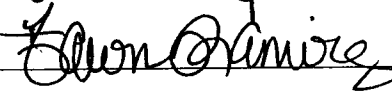
Signed this 26 day of September, 2020



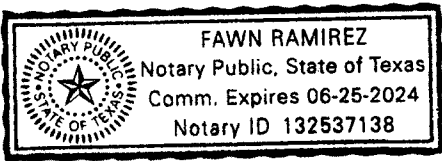
BRETT M HEBERT, RESPONDENT

Sworn to and subscribed before me this 26th day of September, 2020

SEAL



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 ratify and adopt the Agreed Order that was signed on the 26th day of September, 2020, by BRETT M HEBERT, Registered Nurse License Number 982568, and said Agreed Order is final.

Effective this 28th day of September, 2020.



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

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
BRETT MATTHEW HEBERT
1028 JASPER HILL LANE
SCHERTZ, TX 78154
RESPONDENT

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RN137957
CONSENT ORDER

TERMS AGREED TO BY LICENSEE

I, **BRETT MATTHEW HEBERT**, (Respondent), voluntarily agree to sign and have witnessed terms of agreement for the purpose of avoiding formal administrative proceedings with the Louisiana State Board of Nursing.

I, **BRETT MATTHEW HEBERT**, declare that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I acknowledge that the Louisiana State Board of Nursing makes the following FINDINGS OF FACT:

1. On July 10, 2012, Respondent was licensed by examination to practice as a Registered Nurse in Louisiana.
2. On June 13, 2012, Respondent was hired to practice as a Registered Nurse by Terrebonne General Medical Center (TGMC) in Houma, Louisiana. On June 9, 2018, while employed at TGMC, Respondent performed procedures beyond the authorized scope of nursing. Specifically:
 - At the end of his night shift, Respondent gave report to two oncoming nurses, TV and TL. TV asked Respondent to help him start an IV on himself because he was ill and needed fluids to make it through his shift.
 - Respondent started the IV on co-worker TV at TV's request and without a physician order.
 - During the facility's internal investigation, Respondent admitted to starting the IV.

On June 20, 2018, Respondent's employment with Terrebonne General Medical Center was terminated for Policy Violation and Safety Violation and Other (not maintaining the confidentiality of the internal investigation conversation as requested).

3. On June 21, 2018, the Louisiana State Board of Nursing received a complaint form notifying the agency the above Nurse Practice Act violation.
4. On January 31, 2020, Respondent's Louisiana Registered Nurse license expired.

To facilitate submission of this Consent Agreement, I do not offer any defense to the FINDINGS OF FACT. I agree that the Board has jurisdiction of this matter pursuant to La. R.S. 37:911, et seq. I admit to all of the above facts and I agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of La. R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported to the **National Practitioner Data Bank (NPDB) as 29: Practicing Beyond the Scope of Practice**.

NPDB Narrative: By Consent Order, Respondent is issued a letter of reprimand after Respondent practiced outside of his scope of practice by starting an IV on a co-worker without a physician order.

I further acknowledge and attest that I have fully cooperated with the Louisiana State Board of Nursing in resolving this matter and intend to comply with all stipulations of this Order.

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
BRETT MATTHEW HEBERT
1028 JASPER HILL LANE
SCHERTZ, TX 78154
RESPONDENT

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RN137957
CONSENT ORDER

TERMS AGREED TO BY LICENSEE

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board: A letter of reprimand is issued and becomes a part of this Respondent's permanent file, regarding the incident which brought this Respondent before the Board: Practicing Beyond the Scope of Practice.

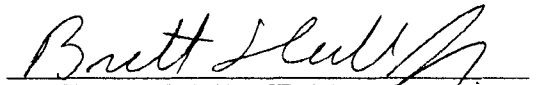
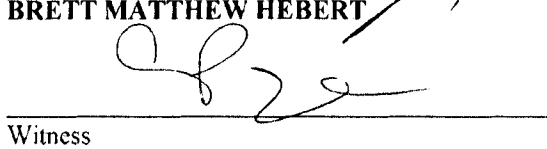
Further, Respondent shall comply with the following stipulations:

1. Within four (4) months, submit written evidence of completion of LSBN staff approved continuing education hours in the area of Sharpening Critical Thinking Skills (3.6 hours), Professional Accountability and Legal Liability for Nurses (4.6 hours), and Ethics of Nursing (4.8 hours). See LSBN website, Monitoring –Resources for CE Courses.
2. Within four (4) months, submit payment of \$200.00 to the Board as cost of Consent Order at a rate of \$50.00 per month beginning April 1, 2020.
3. Within ten (10) months, submit payment of \$750.00 to the Board as fine, at a rate of \$75.00 per month beginning April 1, 2020.
4. Not have any further misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
5. Failure to comply with the above orders shall result in the immediate suspension of Respondent's Registered Nurse license. This suspension can be imposed by action of the Executive Director subject to the discretionary review of the Board.

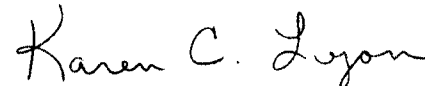
I, **BRETT MATTHEW HEBERT**, understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Agreement not be accepted by the Board, I agree that presentation to and consideration of the Consent Agreement, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this Respondent.

Dated this 16 day of MARCH, 2020


Witness


BRETT MATTHEW HEBERT

Witness

LOUISIANA STATE BOARD OF NURSING

 3/27/2020
Karen C. Lyon, PhD, MBA, APRN, NEA Date
Chief Executive Officer/Executive Director