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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 604550 §
issued to BRENDA JEAN BUTLER §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRENDA JEAN BUTLER, Registered Nurse License Number 604550, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 3, 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 a Baccalaureate Degree in Nursing from University of Texas Health Science Center, Houston, Texas, on April 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on June 20, 1994.
- 5. Respondent's nursing employment history includes:

6/1994 – 1/1996	Registered Nurse	Huntsville Nephrology Huntsville, Texas
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Respondent's nursing employment history continued:

01/1996 – 8/1999	Registered Nurse	GAMBRO Healthcare Huntsville, Texas
8/1999 – 11/1999	Registered Nurse	UKC South – GAMBRO Healthcare Houston, Texas
12/1999 – 5/2001	Registered Nurse	San Jacinto-GAMBRO Healthcare Houston, Texas
5/2001 – 8/2001	Registered Nurse	Renal Care Group Houston, Texas
11/2001 – 4/2003	Registered Nurse	NNA Bessemer Kidney Center Bessemer, Alabama
8/2003 – 11/2003	Registered Nurse	Oktibbeha County Hospital Starkville, Mississippi
11/2003 – 5/2004	Registered Nurse	GAMBRO Healthcare Dialysis Huntsville, Texas
5/2004 – 11/2008	Registered Nurse	Conroe Regional Medical Center Conroe, Texas
11/2008 – 2/2010	Registered Nurse	Huntsville Memorial Hospital Huntsville, Texas
2/2010 – 7/2010	Registered Nurse	Park Manor Conroe, Texas
7/2010 – 6/2011	Registered Nurse	Premier Healthcare Staffing Services Huntsville, Texas
6/2011 – 9/2013	Registered Nurse	Liberty Dialysis Bryan, Texas
9/2013 – 2/2015	Registered Nurse	Dialyspa Staffing Services Huntsville, Texas

Respondent's nursing employment history continued:

6/2015 – 5/2020	Registered Nurse	University of Texas Medical Branch, Correctional Managed Care Conroe, Texas
5/2020 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with the University of Texas Medical Branch Correctional Managed Care, Conroe, Texas, and had been in that position for four (4) years and seven (7) months
7. On or about January 10, 2020, while employed as a Registered Nurse with the University of Texas Medical Branch Correctional Managed Care, Conroe, Texas, and assigned to the Estelle Unit, Huntsville, Texas, Respondent failed to appropriately intervene, in that Respondent inaccurately identified Patient Number 308679, who was a full code, as a do not resuscitate (DNR) patient after the patient experienced cardiac arrest. Subsequently, initiation of cardiopulmonary resuscitation (CPR) was delayed for approximately twenty (20) minutes. Respondent's conduct resulted in a delay in cardiopulmonary resuscitation and may have contributed to the patient's demise.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states it was a busy night and also states hand-off report was chaotic. Respondent states it was during this hand-off report that she mistook the patient for another patient that had a DNR. Respondent further states that due to policies and choices by management, the patient was placed in a dayroom awaiting an open bed and no admission assessment had yet been conducted.

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)(M) 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 604550, heretofore issued to BRENDA JEAN BUTLER.
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, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 604550, previously issued to BRENDA JEAN BUTLER, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT'S license shall be placed in **INACTIVE** status

Should RESPONDENT decide in the future to reactivate her license to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE reactivated in probationary status, subject to, at a minimum, the remaining 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 licensure reactivation, 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 licensure reactivation, 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.

- B. **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.
- C. **The course "Professional Accountability,"** a 4.6 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.*

V. **EMPLOYMENT REQUIREMENTS**

Upon licensure reactivation and 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. 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:** For the first year [four (4) quarters] of employment as a Nurse under this order, 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 of 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. **Incident Reporting:** For the remainder of the stipulation/probation period, RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

- 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual 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.

VI. FURTHER COMPLAINTS

Once Respondent's license is reactivated, if, during the period of probation under the terms of this Order an additional allegation, accusation, or petition is reported or filed against RESPONDENT'S license(s), the Respondent's probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

VII. 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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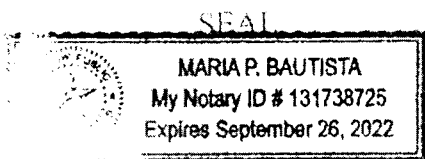
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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 24 day of August, 2020

Brenda Jean Butler
BRENDA JEAN BUTLER, RESPONDENT

Sworn to and subscribed before me this 24 day of August, 2020.



Maria P. Bautista
Notary Public in and for the State of Texas

Approved as to form and substance.

Frank King
Frank King, Attorney for Respondent

Signed this 24TH day of AUGUST, 2020.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of August, 2020, by BRENDA JEAN BUTLER, Registered Nurse License Number 604550, and said Agreed Order is final.

Effective this 22nd day of October, 2020.

A handwritten signature in black ink that reads "Katherine A. Thomas". The signature is written in a cursive style.

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