

BEFORE THE TEXAS BOARD OF NURSING

| | | |
|--|---|---------------|
| In the Matter of | § | REINSTATEMENT |
| Registered Nurse License Number 688376 | § | AGREED ORDER |
| issued to BRANDI LEE BEAIRD | § | |
| | § | |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement, hereinafter referred to as the Petition, of Registered Nurse License Number 688376, held by BRANDI LEE BEAIRD, hereinafter referred to as Petitioner.

Petitioner waived notice and hearing and agreed to the entry of this Reinstatement Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 9, 2021.

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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Reinstatement Agreed Order.
3. Petitioner received an Associate Degree in Nursing from Tyler Jr College, Tyler, Texas, on May 10, 2002. Petitioner was licensed to practice professional nursing in the State of Texas on July 23, 2002.
4. Petitioner's nursing employment history includes:

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|------------------|------------------|---|
| 7/2002 – 4/2009 | Registered nurse | East Texas Medical Center Tyler, Texas |
| 3/2004 – 3/2005 | Registered nurse | Healthsouth Rehabilitation Hospital Tyler, Texas |
| 1/2007 – 10/2007 | Registered nurse | Medical Center Mesquite Mesquite, Texas |

Petitioner's nursing employment history continued:

| | | |
|-------------------|-------------------------|---|
| 5/2009 – Unknown | Registered nurse | Lindale Healthcare Lindale, Texas |
| 5/2009 – 6/2013 | Registered nurse | Cozby Germany Hospital Grand Saline, Texas |
| 7/2013 – 7/2014 | Registered nurse | Healthsouth Rehabilitation Hospital Tyler, Texas |
| 10/2014 – Present | Not employed in nursing | |

5. On or about March 20, 2012, Petitioner's license to practice nursing in the State of Texas was Suspended with the Suspension stayed and Petitioner was placed on probation through an Order of the Board. A copy of the March 20, 2012, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
6. On or about May 12, 2015, the Board accepted the Voluntary Surrender of Petitioner's license to practice nursing in the State of Texas through an Order of the Board. A copy of the May 12, 2015, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
7. On or about March 28, 2021, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
8. Petitioner presented the following in support of said petition:
 - A. Evidence of eleven (11) negative drug screens, dated between February 18, 2020, and March 1, 2021, submitted through the Board's drug and alcohol testing program.
 - B. Letter of support from Petitioner's former colleague, Della Reynolds, RN.
 - C. Letter of support from Petitioner's former colleague at East Texas Medical Center in Labor and Delivery, SuAnn Kologey, RNC-OB.
 - D. Letter of support from Petitioner's former employer at Bounding Ministry, L. Lowry.
 - E. Letter of support from Petitioner's informal sponsor at Alcoholics Anonymous and Narcotics Anonymous, J. Henkins.
 - F. Letter of support from Petitioner's former colleague at Cozby Germany Hospital, Ginger Sweden, RN.
 - G. Documentation of the required continuing education contact hours.
9. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for relicensure.

10. There is no evidence of any subsequent criminal conduct.
11. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, as applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
12. The Executive Director considered evidence of Petitioner's substance use disorder, and subsequent rehabilitation as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
13. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
14. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. This reinstatement is made pursuant to Sections 301.453(c) and 301.467, Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26.
3. The Board may relicense an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
4. The Board may license an individual who has a history of substance use disorder after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.
5. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).
6. 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. REINSTATEMENT OF LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of BRANDI LEE BEAIRD for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Registered Nurse License Number 688376 is/are hereby **REINSTATED** in accordance with the terms of this Order.

- A. Until successfully completed, this Order SHALL apply to any and all future licenses issued to PETITIONER to practice nursing in the State of Texas.
- B. Until successfully completed, this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, PETITIONER'S license(s) will be designated "single state" as applicable and PETITIONER 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, PETITIONER 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 Reinstatement Agreed Order.

III. REQUIREMENTS FOR REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN PROFESSIONAL REGISTERED NURSING

Prior to practicing as a registered nurse in the State of Texas, PETITIONER SHALL:

- A. Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Professional Registered Nursing for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in professional registered

nursing. The application for the Six Month Temporary Permit is available via the Nurse Portal on the Board's website (www.bon.texas.gov). PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in professional registered nursing.

- B. **Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for professional registered nursing. Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment.** In order for the course to be approved, the target audience shall include registered nurses and the course's content shall, at a minimum, include: 1) Review of NPA, Rules, Position Statements; 2) Determination of Individual Scope of Practice and role in patient safety; 3) Review of the nursing process to include assessment, planning, implementation, and evaluation; 4) Pharmacology review; 5) Medication administration; 6) Documentation, quality assurance, and legal implication for nursing practice; and, 7) Documentation of current CPR certification prior to beginning precepted clinical learning experience. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care supervised by a qualified registered nurse instructor who meets or exceeds the Board's minimum criteria for eligibility as an instructor. Home study courses and video programs will not be approved.
- C. **Upon completion of the refresher course, extensive orientation, or nursing program of study for professional registered nursing,** PETITIONER SHALL return the temporary permit to the Board's office and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required 80 hours of supervised practice.
- D. **Upon verification of successful completion of the conditions** as set out in Paragraphs A through C of this Section, PETITIONER SHALL submit a completed License Reactivation Form for Registered Nurses, which is available via the Nurse Portal on the Board's website (www.bon.texas.gov). PETITIONER shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be issued the applicable license to practice registered nursing in the State of Texas, which shall be subject to the terms of this Order.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial

education course(s) within one (1) year of relicensure, 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.

In order to receive credit for completion of this/these course(s), PETITIONER 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. PETITIONER 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. MONITORING FEE

PETITIONER SHALL pay a monitoring fee in the amount of five hundred dollars (\$500.00) within forty-five (45) days of relicensure. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VI. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER 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 twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) 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:** PETITIONER 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, PETITIONER 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:** PETITIONER 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. PETITIONER 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. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned.
- D. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.
- E. **No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- F. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, PETITIONER 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 PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

G. **Indirect Supervision:** For the remainder of the stipulation/probation period, PETITIONER 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 PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

H. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the individual who supervises the PETITIONER 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 twelve (12) quarters [three (3) years] of employment as a nurse.

VII. DRUG AND ALCOHOL RELATED REQUIREMENTS

A. While under the terms of this Order, PETITIONER SHALL abstain from the use of alcohol, nalbuphine, propofol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that the prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

B. While working as a nurse under the terms of this Order, PETITIONER SHALL submit to random periodic screens for alcohol, nalbuphine, propofol and all controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when PETITIONER obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period PETITIONER works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Any test result for a period of time in which the PETITIONER is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for any or all of the following substances and/or their metabolites:

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|--------------------|------------------------|---------------|
| Amphetamine | Methamphetamine | MDMA |
| MDA | Alprazolam | Diazepam |
| Alpha-o-alprazolam | Alpha-Hydroxytriazolam | Clonazepam |
| Desmethyldiazepam | Lorazepam | Midazolam |
| Oxazepam | Temazepam | Amobarbital |
| Butabarbital | Butalbital | Pentobarbital |
| Phenobarbital | Secobarbital | Codeine |
| Hydrocodone | Hydromorphone | Methadone |
| Morphine | Opiates | Oxycodone |
| Oxymorphone | Propoxyphene | Cannabinoids |
| Cocaine | Phencyclidine | Ethanol |
| Heroin | Fentanyl | Tramadol |
| Meperidine | Carisoprodol | Butorphanol |
| Nalbuphine | Ketamine | Propofol |

Upon enrollment in the Board's drug and alcohol testing program, PETITIONER SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not PETITIONER has

been selected to produce a specimen for screening that day and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, a Board representative may appear at the PETITIONER'S place of employment at any time during the probation period and require PETITIONER to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which PETITIONER does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject PETITIONER to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Petitioner's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

- C. While under the terms of this Order, PETITIONER SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

VIII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Reinstatement Agreed Order, all encumbrances will be removed from PETITIONER'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, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I understand this Order is conditioned upon the accuracy and completeness of my petition and disclosures. I further understand that subsequently discovered discrepancies in my petition and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

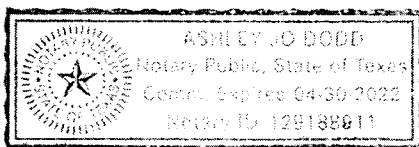
Signed this 7 day of May, 2021.

Brandi Lee Beard
BRANDI LEE BEARD, PETITIONER

Sworn to and subscribed before me this 7 day of May, 2021.

SEAL

Ashley Jo Dodd
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 7th day of May, 2021, by BRANDI LEE BEAIRD, Registered Nurse License Number 688376, and said Reinstatement Agreed Order is final.

Effective this 8th day of June, 2021.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 688376 §
issued to BRANDI LEE BEAIRD § ORDER



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.
Aptina Collins
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRANDI LEE BEAIRD, Registered Nurse License Number 688376, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

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 an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas, on May 10, 2002. Respondent was licensed to practice professional nursing in the State of Texas on July 23, 2002.
5. Respondent's nursing employment history includes:

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|-------------------|----|---|
| 07/2002 - 04/2009 | RN | East Texas Medical Center Tyler, Texas |
| 03/2004 - 03/2005 | RN | Health South Rehab Hospital Tyler, Texas |

Respondent's nursing employment history continued:

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|------------------------------|--------------------|--|
| 01/2007 - 10/2007 | RN | Medical Center of Mesquite Mesquite, Texas |
| 05/2009 - 06/2013 | Unknown | |
| 07/2013 - 07/2014 | RN | Trinity Mother Francis Rehabilitation Hospital Tyler, Texas |
| 08/2014 - Present | Unknown | |

6. On or about March 20, 2012, Respondent's license to practice professional nursing in the State of Texas was SUSPENDED, with the suspension being STAYED and placed on PROBATION for a period of three (3) years. A copy of the Findings of Fact, Conclusions of Law and Order, dated March 20, 2012, is attached and incorporated by reference as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Trinity Mother Francis Rehabilitation Hospital, Tyler, Texas, and had been in that position for approximately eleven (11) months.
8. On or about June 4, 2014, through July 3, 2014, while employed as a Registered Nurse with Trinity Mother Francis Rehabilitation Hospital, Tyler, Texas, Respondent withdrew twenty-two (22) tablets of Hydrocodone, three (3) tablets of Carisoprodol, twelve (12) tablets of Morphine, one (1) tablet of Alprazolam, and two (2) tablets of Oxycodone from the Medication Dispensing System (Pyxis) for patients, but failed to document, or completely and accurately document, the administration of the medications in the patients' Medication Administration Record (MAR) and/or Nurse's Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Respondent's conduct also placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
9. On or about June 13, 2014, through July 2, 2014, while employed as a Registered Nurse with Trinity Mother Francis Rehabilitation Hospital, Tyler, Texas, Respondent withdrew six (6) tablets of Hydrocodone, two (2) tablets of Carisoprodol, and two (2) tablets of Oxycodone from the Medication Dispensing System (Pyxis) for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

10. On or about June 15, 2014, through July 3, 2014, while employed as a Registered Nurse with Trinity Mother Francis Rehabilitation Hospital, Tyler, Texas, Respondent falsely documented that she administered five (5) tablets of Carisoprodol, ten (10) tablets of Hydrocodone, and two (2) tablets of Oxycodone to patients in the patients' Medication Administration Record (MAR) when there were no medication withdraws from the Medication Dispensing System (Pyxis) associated with the documented times of administration. Respondent's conduct created inaccurate medical records, and failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment.
- ~~11. On or about June 13, 2014, through July 2, 2014, while employed as a Registered Nurse with Trinity Mother Francis Rehabilitation Hospital, Tyler, Texas, Respondent misappropriated Hydrocodone, Carisoprodol, Morphine, Alprazolam, and Oxycodone from the facility or patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and the patients of the cost of the medications.~~
12. On or about July 2, 2014, and July 3, 2014, while employed as a Registered Nurse with Trinity Mother Francis Rehabilitation Hospital, Tyler, Texas, Respondent administered five (5) tablets Morphine and one (1) tablet Carisoprodol to Patient 834560, in excess frequency and/or dosage of the physician's order. Respondent's conduct was likely to injure the patient in that the administration of Morphine and Soma in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
- ~~13. Formal Charges were filed on March 9, 2015.~~
14. Formal Charges were mailed to Respondent on March 10, 2015.
15. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
16. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
17. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(G),(6)(H),(8),(10)(B),(10)(C),(10)(E)&(11)(B).
 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 688376, heretofore issued to BRANDI LEE BEAIRD, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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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.
 6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
 7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
 8. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.
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TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the **VOLUNTARY SURRENDER** of Registered Nurse License Number 688376, heretofore issued to BRANDI LEE BEAIRD, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. One (1) year has elapsed from the date of this Order; and
 - B. RESPONDENT has obtained objective, verifiable proof of twelve

(12) consecutive months of sobriety immediately preceding the petition for reinstatement.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

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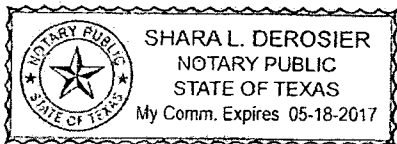
RESPONDENT'S CERTIFICATION

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 this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 8 day of May, 2015.
Brandi Lee Beaird
BRANDI LEE BEAIRD, Respondent

Sworn to and subscribed before me this 8 day of May, 2015.

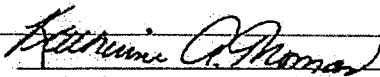
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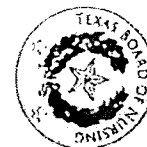
[Signature]
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of
the Texas Board of Nursing, does hereby accept the voluntary surrender of Registered Nurse License
Number 688376, previously issued to BRANDI LEE BEAIRD.

Effective this 12th day of May, 20 15.



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



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 office of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

| | | |
|-----------------------------------|---|--------|
| In the Matter of Registered Nurse | § | AGREED |
| License Number 688376 | § | |
| issued to BRANDI LEE BEAIRD | § | ORDER |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRANDI LEE BEAIRD, Registered Nurse License Number 688376, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(3) & (10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 21, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, subject to ratification by the Board.

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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas, on May 10, 2002. Respondent was licensed to practice professional nursing in the State of Texas on July 23, 2002.
5. Respondent's professional nursing employment history includes:

03/2004 - 03/2005

RN/House Supervisor
Health South Rehab Hospital
Tyler, Texas

01/2007 - 10/2007

RN
Medical Center of Mesquite
Mesquite, Texas

06/2002 - 04/2009

RN
East Texas Medical Center
Tyler, Texas

6. On or about July 29, 2009, Respondent entered a plea of Guilty/No Contest to THEFT PROP>=\$20<\$500 BY CHECK (a Class B misdemeanor offense), in the County Court at Law of Smith County, Texas, under Cause No. 001-80979-06. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay court costs.
7. In response to Finding of Fact Number Six (6), Respondent states that in 2005 she was in the middle of a divorce and her account was emptied which resulted in several bounced checks. All of the checks were taken care of within a very short time frame without any intercession.
8. On or about April 14, 2009, Respondent was indicted by the Grand Jury in the 241st District Court of Smith County, Texas, for knowingly possessing and obtaining and attempting to possess or obtain a controlled substance, namely Lortab 10/500 A.K.A. hydrocodone and acetaminophen, by misrepresentation and fraud and forgery and deception and subterfuge, to-wit: by communicating a fraudulent prescription.

On or about March 4, 2010, Respondent entered a plea of Guilty to FRAUD POSS CS/PRESCRIPTION SCH III/IV (a 3rd degree felony offense committed on April 14, 2009), in the 114th District Court of Smith County, Texas, under Cause No. 114-2118-09. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay court costs and restitution.
9. On or about April 15, 2009, Respondent was indicted by the Grand Jury in the 241st District Court of Smith County, Texas, for knowingly possessing and obtaining and attempting to possess or obtain a controlled substance, namely Lortab, 7.5/500 A.K.A. hydrocodone and acetaminophen A.K.A. dihydrocodeinone by

misrepresentation and fraud and forgery and deception and subterfuge, to-wit by communicating a fraudulent prescription.

On or about March 4, 2010, Respondent entered a plea of Guilty to FRAUD POSS CS/PRESCRIPTION SCH III/IV (a third degree felony offense committed on April 15, 2009), in the 114th District Court of Smith County, Texas, under Cause No. 114-2119-09. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay court costs.

10. In response to Findings of Fact Numbers Eight (8) and Nine (9), Respondent states that in July 2008, she gave birth to her fourth child, during which she endured some complications that involved the use of narcotics to control the pain. She ended up having emergency surgery, and shortly thereafter returned to work. She began to struggle with postpartum depression. She then began taking the remaining narcotics to help her sleep at night. This ended up leading her down a path of much regrettable mistakes. Immediately after her arrest in April, she contacted TPAPN. She was compliant and accountable for fourteen months. She has taken personal steps in her life to maintain a healthy mind and body. She further states that she never took any pain medication prior to work or during her shift. She is active in her church and attends a voluntary counseling session once a week. She keeps in contact with her probation officer.
11. Respondent submitted the following letters of support/recommendation to the Board:
 - a. Justin Green, Smith County Community Supervision and Corrections Department, Tyler, Texas. Mr. Green states that Respondent was placed on Community Supervision on March 4, 2010. Since the beginning of her term, Mr. Green states that Respondent has successfully followed all of the terms and conditions of probation. Respondent has paid all of her fines and fees and is current on her monthly supervision fee. Mr. Green states that Respondent has been required to submit to monthly drug testing and has never tested positive for any illegal or banned substances. Mr. Green states, that as of February 17, 2012, Respondent is in full compliance with her terms and conditions of probation.
 - b. George Preston Hitt, RN, BSN. Mr. Hitt states that he works with Respondent at Cozby-Germany Hospital, Grand Saline, Texas on the 7 p.m. - 7 a.m. shift. Respondent asked Mr. Hitt to evaluate her as a registered nurse peer. Mr. Hitt states that Respondent works on a medical surgical floor with the majority of the patients being of a medical diagnosis, and a variety of ages. Respondent also has psychiatric patients, pediatric patients, and surgical patients. All of these patients come with multiple other diagnosis conditions that interact with the primary diagnosis. Mr. Hitt states that Respondent is able to assess and evaluate holistically the problems and

needs of these patients. Respondent outlines an appropriate, attainable nursing goal that can be reached and includes self care in her interactions, to hopefully obtain sooner discharge to home with some patient ownership of their care. Further, Mr. Hitt states that Respondent is knowledgeable of medications and interactions of how they are related to the care of the patient. Further, Respondent is knowledgeable of policy and procedures and uses what procedures that are available as a resource. Mr. Hitt states that Respondent arrives to work on time and rarely calls in sick and effectively works with others by direction or delegation. If there are issues that Respondent can't directly first deal with, she actively reports these issues to the Director of Nurses. Respondent takes and gives constructive criticism. When she receives constructive criticism, Respondent positively looks at it and effects a change or invites a professional dialog to open up communication to better solve the problem at hand. Mr. Hitt feels that Respondent is a pleasure to work with and is a true nurse, not only professionally, but also at heart.

- c. Stephanie Key, Radiologic Technologist. Ms. Key states that she has worked with Respondent at Cozby Germany Hospital for a little over a year. She began working on the same shift as the Respondent in January, 2011. Ms. Key states that the Respondent is someone to trust and go to for advice. Ms. Key trusts Respondent's medical opinion. Ms. Key states that Cozby Germany Hospital is a smaller hospital and they all work closely together. Ms. Key has seen Respondent with her patients. Ms. Key feels that Respondent is very attentive and does her very best to attend to them in a timely manner. Ms. Key feels that Respondent is very attentive and truly shows that she cares for patients. She is compassionate and loving. Ms. Key states that Respondent works the night shift so that she is able to provide for her four kids and still be there for them during the day and doesn't have to miss their programs, games, etc. Ms. Key states that Respondent is honest and respectful, not only to her patients, but to her coworkers and friends, as well. Ms. Key states that she would trust the Respondent to care for her family and friends and would recommend the Respondent to anyone.
- d. Hector Martinez, LVN. Mr. Martinez states that he works for Cozby Germany Hospital in the emergency room. Mr. Martinez states that he has worked with the Respondent on and off again for several years between Cozby Germany Hospital and Terrell Renaissance Hospital. Mr. Martinez states that Respondent is a wonderful person in all aspects. Mr. Martinez states that Respondent is consistent in her work ethic and is always at work and ready for report. Mr. Martinez states that Respondent is very much a patient advocate and shows care with all patients through all situations. Mr. Martinez states that Respondent receives compliments throughout the hospital from patients, as well as employees. Respondent is always available to be of assistance to her fellow co-workers. Mr. Martinez states that he has enjoyed working with the Respondent and he knows when she

is on duty that team work will be in place and that always provides for a great working environment.

- e. Laura Cannon. Ms. Cannon is Respondent's Narcotics Anonymous (NA) sponsor. Ms. Cannon states that the Respondent approached her a little over a year ago and asked her if she'd consider being Respondent's sponsor. Ms. Cannon states that the Respondent had been coming to her NA group several times a month and that she gradually began opening up to her. Ms. Cannon states that the Respondent was very open and forthcoming with the events in her life and she was genuinely seeking a peer who understood her path and would be available to her. Ms. Cannon agreed to be Respondent's sponsor and has thoroughly enjoyed her as a person. Ms. Cannon sees Respondent as a strong individual who has overcome many obstacles in her life and who only seeks to be an outstanding nurse and mother. The Respondent takes much pride in her career, enjoys being around her patients, and only has the heart of what a great nurse should. Ms. Cannon states that the Respondent loves her children, has a great faith in God, and a great desire to maintain a healthy mind and body. Sobriety is something the Respondent values. Ms. Cannon further states that the Respondent has been coming to her group for several years so she knows her devotion is present. The Respondent actively participates in their discussions and always has a smile to share for a new face. Ms. Cannon has 100% faith in the Respondent's wish to maintain sobriety and continue what she talks about every time she sees her, which is nursing.
- f. SuAnn Kologey, RNC-OB. Ms. Kologey states that she has known the Respondent for almost ten years. She met the Respondent while working at the Family Birthplace, East Texas Medical Center, Tyler, Texas. Ms. Kologey served as the Respondent's preceptor and charge nurse during the three years they worked together. Ms. Kologey states that the Respondent is a highly motivated, organized, and dependable nurse who serves as an advocate for her patients, while providing exceptional care. In 2005, when Ms. Kologey pursued other job opportunities, she encouraged the Respondent to come work with her at another facility because of her strong work ethic and the attentive care she gives her patients. Ms. Kologey states that the Respondent is a single mother of four wonderful, caring children that are a product of the morals and values their mother instills in them. Ms. Kologey states that the Respondent sacrifices things for herself to make sure her children's needs are always met. Ms. Kologey states that she spends a lot of time with the Respondent and her children. Ms. Kologey states that the event that led her to write a letter on the Respondent's behalf was out of character for the Respondent. Ms. Kologey knows that it was a mistake that will never be repeated. Ms. Kologey states that, as a result of the event, the Respondent has sought counseling to deal with the issues that led up to her mistake. On a personal level, Ms. Kologey states that the Respondent has gone through multiple tragic events in her life and manages to remain strong

for herself and her children. Professionally, Ms. Kologey states that the quality of care the Respondent provides her patients in nursing is superior and unconditional. Ms. Kologey states that the nursing profession and the patients cared for by the Respondent would suffer a great loss by removing her privilege to practice. Ms. Kologey further states that she would not hesitate to allow the Respondent to care for one of her own family members.

- g. Rhonda Modsitt. Ms. Modsitt states that she has known the Respondent on a personal and professional level for the past nine years. Ms. Modsitt states that ~~worked nights with the Respondent at ETMC, Tyler, Texas, when the Respondent first began her nursing career.~~ Ms. Modsitt served as the Respondent's charge nurse. As the charge nurse, Ms. Modsitt was very aware of the Respondent's nursing abilities. Ms. Modsitt states that the Respondent was able to function efficiently and effectively, even at times of stressful situations on the labor and delivery unit. Ms. Modsitt states that she never had any concerns regarding the Respondent's skills or assessment abilities. Ms. Modsitt states that the Respondent was very caring and compassionate in meeting the needs of her patients. Ms. Modsitt states that the Respondent worked well with others and was well liked by her co-workers. Ms. Modsitt also states that she has known the Respondent on a personal level. She states that she and the Respondent have laughed and cried together through the ups and downs of their lives. Ms. Modsitt states that the Respondent has been a true friend and that anytime she needed her, ~~the Respondent was there for her.~~ Ms. Modsitt states that she considers the Respondent a person of great character. As her friend, Ms. Modsitt states that the most important things in her life are her faith, her children, and being a nurse. Ms. Modsitt states that, as a nurse for twenty-six years, she has worked with many nurses. She considers the Respondent one of the good ones. Ms. Modsitt states that she knows that the Respondent is truly remorseful for what happened and that she is proud to call the Respondent her friend.
- h. Lamar Willis and Cindy Willis. Mr. and Mrs. Willis state that they have known the Respondent since she was a very young child. Throughout her formative years, the Respondent interacted with the Willis' children and was and continues to be a part of family and church gatherings. The Willis' state that the Respondent's early home life was plagued by dysfunctional situations and she has often come to the Willis' for advice and assistance. As an adult, the Willis' state that they have known the Respondent to be committed to receiving her education and working hard in her career as a caregiver. Her spirit to help others is evident and the Willis' have first hand knowledge and have seen visible evidence of her unconditional love toward her children. In areas of financial need when the Willis' have given assistance, the Willis' state that the Respondent has and continues to show a commitment to repayment of debt. The Willis' state that many good qualities and traits are found within the core of the Respondent and the Willis' sincerely hope that

the Respondent will be afforded the opportunity to be restored to 100% credibility so that she may continue to be a productive member of society.

- i. Brian Kologey. Mr. Kologey states that he has known the Respondent personally and professionally for eight years. Mr. Kologey states that the Respondent is a friend of his wife's and he has also had the opportunity to work with her in nursing. Mr. Kologey states that the Respondent is a single mom with four wonderful children who have been to his home on numerous occasions. Mr. Kologey states that the children are loving and well mannered, which he feels is directly related to their upbringing. Mr. Kologey states that he has seen the Respondent many times over the years sacrifice things for herself to ensure her children had all that she could give them. Mr. Kologey states that you would be hard pressed to find a more loving, devoted mother. Professionally, Mr. Kologey states that he has seen the Respondent's love and caring emulated in the care she gives to her patients. Mr. Kologey states that he would not hesitate to have the Respondent take care of him or one of his family members. Mr. Kologey states that it is somewhat shocking as to why he is writing this letter, as the events that led to this are very atypical for the Respondent. Mr. Kologey states that he is willing to put his name and reputation on the line to say that he firmly believes that this will never occur again. Mr. Kologey states that he feels it would be a tremendous loss for nursing if the Respondent's license was revoked.

12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
13. Formal Charges were filed on November 5, 2010, and mailed on November 8, 2010: First Amended Formal Charges were filed and mailed on January 17, 2012.

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 violations of Section 301.452(b)(3) & (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas

Occupations Code, to take disciplinary action against BRANDI LEE BEAIRD, Registered Nurse License Number 688376, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 688376, previously issued to BRANDI LEE BEAIRD, to practice professional nursing in Texas is hereby SUSPENDED for a period of three (3) years with the suspension STAYED and Respondent is hereby placed on PROBATION for three (3) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this order, the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL 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.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course

Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR

THREE (3) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS 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 STIPULATION PERIOD:

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S

license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) For the first year 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). The 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.

(6) For the remainder of the 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.

(7) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse, except that RESPONDENT may continue to

work the night shift at Cozby-Germany Hospital, Grand Saline, Texas. Should RESPONDENT's employment with Cozby-Germany Hospital, Grand Saline, Texas, cease for any reason, this stipulation shall have full force and effect.

(8) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse, except that RESPONDENT may continue to work in the med-surge unit at Cozby-Germany Hospital, Grand Saline, Texas. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units. Should RESPONDENT's employment with Cozby-Germany Hospital, Grand Saline, Texas, cease for any reason, this stipulation shall have full force and effect.

(9) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates for one (1) year of employment as a nurse.

(10) 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. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for three (3) year(s) of employment as a nurse.

(11) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written

report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or

chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

(12) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next

six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

| | |
|---------------------------------|---------------|
| Amphetamines | Meperidine |
| Barbiturates | Methadone |
| Benzodiazepines | Methaqualone |
| Cannabinoids | Opiates |
| Cocaine | Phencyclidine |
| Ethanol | Propoxyphene |
| tramadol hydrochloride (Ultram) | |

A Board representative may appear at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for

screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(13) RESPONDENT SHALL attend at least two (2) support group meetings

each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

(14) RESPONDENT SHALL CAUSE her probation officer to submit written reports on forms provided to the Respondent by the Board. The reports shall indicate the

RESPONDENT'S compliance with the court ordered probation. The reports shall be furnished each and every three (3) month period until RESPONDENT is released from probation.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that 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 shall be eligible for nurse licensure compact privileges, if any.

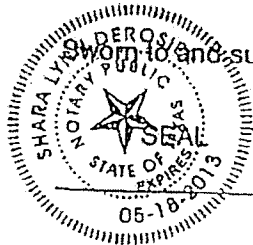
RESPONDENT'S CERTIFICATION

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 violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of February, 2012.

Brandi Lee Beaird

BRANDI LEE BEAIRD, Respondent



Witnessed to and subscribed before me this 28 day of Feb, 2012.

[Signature]

Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]

Dan Lype, Attorney for Respondent

Signed this 28 day of February, 2012.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of February, 2012, by BRANDI LEE BEAIRD, Registered Nurse License Number 688376, and said Order is final.

Effective this 20th day of March, 2012



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