BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 834014 issued to BRITTANY LE SIMS AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRITTANY LE SIMS, Registered Nurse License Number 834014, 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)(1)&(10), 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 November 9, 2018.

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 suspended status.
- 4. Respondent received a Baccalaureate Degree in Nursing from Midwestern State University, Wichita Falls, Texas, on December 15, 2012. Respondent was licensed to practice professional nursing in the State of Texas on March 19, 2013.
- 5. Respondent's nursing employment history includes:

03/13 - 05/13

Unknown

06/13 - 12/13

RN

Scott and White Healthcare

Temple, Texas

Respondent's nursing employment history continued:

06/13 - 07/14	RN	Downtown Health and Rehabilitation Fort Worth, Texas
08/15 - 10/15	RN	Regency Hospital of Fort Worth Fort Worth, Texas
11/15 - 12/15	Unknown	
01/16	RN	Aspen Home Health Lewisville, Texas
02/16 - 07/16	RN	US Renal Care Inc. Plano, Texas
08/16 - Present	Unknown	

- 6. On or about July 19, 2018, Respondent's license(s) to practice nursing in the State of Texas was/were Suspended with the Suspension stayed and Respondent was placed on probation through an Order of the Board. A copy of the July 19, 2018, Order is attached and incorporated herein by reference as part of this Agreed Order.
- 7. On or about September 13, 2018, September 21, 2018, September 26, 2018 and October 4, 2018, Respondent failed to comply with the Agreed Order issued to Respondent on July 19, 2018, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Roman Numeral VII, (A), Drug and Alcohol Related Requirements of the Agreed Order which states, in pertinent part:
 - A. While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, nalbuphine, propofol and all controlled substances, except as prescribe by a licensed practitioner for a legitimate purpose.

On or about September 13, 2018, September 21, 2018, September 26, 2018 and October 4, 2018, Respondent submitted to a random drug screen which resulted positive for alcohol biomarkers Ethyl Glucuronide and Ethyl Sulfate.

8. Formal Charges were filed and Respondent's license was suspended on October 19, 2018.

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 §217.12(11)(B).
- 4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 834014, heretofore issued to BRITTANY LE SIMS.

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 834014, previously issued to BRITTANY LE SIMS, to practice nursing in the State of Texas is/are hereby SUSPENDED and said suspension is ENFORCED until RESPONDENT:

Completes a chemical dependency / substance use disorder evaluation that meets the requirements specified by the Board in its adopted Guidelines for Physical and Psychological Evaluations, which may be found at the following web address: http://www.bon.texas.gov/pdfs/eval-guidelines.pdf. RESPONDENT SHALL:

- A. Notify the performing evaluator of this Order of the Board prior to completing the evaluation;
- B. Cause the performing evaluator to send a report of the evaluation to the Board's office; and
- C. Comply with any recommendations made by the evaluator for therapy or other follow-up, in addition to the probationary terms stated herein.

If the evaluation states that the RESPONDENT currently lacks fitness to practice nursing, RESPONDENT'S license(s) to practice nursing SHALL remain SUSPENDED until such time as the same evaluator deems the RESPONDENT safe to return to direct patient care.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be STAYED, and RESPONDENT will be placed

on **PROBATION** for a minimum of three (3) years **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- E. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- F. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- G. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

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 suspension being stayed, unless otherwise specifically indicated:

- A. <u>A Board-approved course in Texas nursing jurisprudence and ethics</u> 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), 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 <u>not</u> being offered by a pre-approved provider. Information about Board-approved courses and Verification of Course Completion forms are available from the Board at <u>www.bon.texas.gov/compliance</u>.

V. MONITORING FEE

RESPONDENT SHALL pay a monitoring fee in the amount of five hundred dollars (\$500.00) within forty-five (45) days of the suspension being stayed. 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, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, <u>for a</u>

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: 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. No Night or Rotating Shifts, Overtime, or On-Call: For the first year [four (4) quarters] of employment as a Nurse under this Order, 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.
- D. No Critical Care: For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT 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, RESPONDENT 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, 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). 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.
- G. Indirect Supervision: For the remainder of the stipulation/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 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.
- H. 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 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, RESPONDENT 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, 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 the 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.

- B. While working as a nurse under the terms of this Order, RESPONDENT 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 RESPONDENT obtains employment and submits the Notification of Employment form to the Board.
 - For the first three (3) month [1st quarter] period RESPONDENT 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 RESPONDENT 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. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

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

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 Nalbuphine Carisoprodol Ketamine Butorphanol Propofol

Upon enrollment in the Board's drug and alcohol testing program, RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not RESPONDENT 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 RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to further disciplinary action, including TEMPORARY 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. 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, 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 quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

VIII. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against 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.

IX. 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) 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 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
B. Sime
BRITTANY LE SIMS, Respondent

Sworn to and subscribed before me this 27th day of November 2018.

SEAL

Notary Public in and for the State of (

ADRIANA HERNANDEZ

Approved as to form and Substance. Ash for

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 27th day of November, 2018, by BRITTANY LE SIMS, Registered Nurse License Number 834014, and said Agreed Order is final.

Effective this 29th day of November, 2018.

Katherine A. Thomas, MN, RN, FAAN

Executive Director on behalf

of said Board

BEFORE THE TEXAS BOARD OF NURSING

AGREED In the Matter of Registered Nurse License Number 834014 issued to BRITTANY LE SIMS ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRITTANY LE SIMS, Registered Nurse License Number 834014, 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)(9),(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 13, 2018.

FINDINGS OF FACT

- Prior to the institution of Agency proceedings, notice of the matters specified below in these 1. 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).
- Respondent waived notice and hearing and agreed to the entry of this Order. 2.
- Respondent's license to practice as a professional nurse in the State of Texas is in current 3. status.
- Respondent received a Baccalaureate Degree from Midwestern State University, Wichita 4. Falls, Texas, on December 15, 2012. Respondent was licensed to practice professional nursing in the State of Texas on March 19, 2013.
- Respondent's nursing employment history includes: 5.

Unknown 03/13 - 05/13

Scott and White Healthcare RN-06/13 - 12/13

Temple, Texas

Respondent's nursing employment history continued:

06/13 - 07/14	RN	Downtown Health and Rehabilitation Fort Worth, Texas
08/15 - 10/15	RN	Regency Hospital of Fort Worth Fort Worth, Texas
11/15 - 12/15	Unknown	
01/16	RN	Aspen Home Health Lewisville, Texas
02/16 - 07/16	RN	US Renal Care Inc. Plano, Texas
08/16 - Present	RN	Behaviorist On Call Fort Worth, Texas

- 6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Scott and White Healthcare, Temple, Texas, and had been in that position for four (4) months.
- 7. On or about November 7, 2013, while employed as a Registered Nurse with Scott and White Healthcare, Temple, Texas, Respondent withdrew six (6) tablets of Norco 5/325 from the medication dispensing system for patients, but failed to document, and/or completely and accurately document, the administration of the medication in the patient's Medication Administration Records and/or Nurses 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. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
- 8. On or about November 7, 2013, while employed as a Registered Nurse with Scott and White Healthcare, Temple, Texas, Respondent withdrew Norco 5/325mg from the medication dispensing system for Patient Medical Record Number 3411296418 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 Norco in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
- 9. On or about November 7, 2013, while employed as a Registered Nurse with Scott and White Healthcare, Temple, Texas, Respondent withdrew six (6) tablets of Norco 5/325mg from the

medication dispensing system for Patient Medical Record Number 3411296418, but failed to follow the facility's policy and procedure for the wastage 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 November 7, 2013, while employed as a Registered Nurse with Scott and White Healthcare, Temple, Texas, Respondent misappropriated six (6) tablets of Norco 5/325mg from Patient Medical Record Number 3411296418, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
- 11. On or about November 22, 2013, while employed as a Registered Nurse with Scott and White Healthcare, Temple, Texas, Respondent engaged in the intemperate use of Hydrocodone, Hydromorphone, and Tramadol, in that she produced a specimen for a drug screen that resulted positive for Hydrocodone, Hydromorphone, and Tramadol. The use of Hydrocodone, Hydromorphone, and Tramadol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.
- 12. On or about May 28, 2015, while employed as a Registered Nurse with Parallon Staffing Agency, Franklin, Tennessee, and on assignment with the Medical Center Arlington, Arlington, Texas, Respondent withdrew one (1) vial of Morphine 4mg from the medication dispensing system for Patient Medical Record Number 728449 without a valid physician's order. Respondent's conduct was likely to injure the patient, in that the administration of the medication without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
- 13. On or about May 28, 2015, while employed as a Registered Nurse with Parallon Staffing Agency, Franklin, Tennessee, and on assignment with the Medical Center Arlington, Arlington, Texas, Respondent withdrew one (1) tablet of Hydrocodone/APAP 7.5/325mg and one (1) vial of Morphine 4mg from the medication dispensing system for patients, but failed to document, and/or completely and accurately document the administration of the medications in the patient's Medication Administration Records and/or nurses' 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. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
- 14. On or about May 28, 2015, while employed as a Registered Nurse with Parallon Staffing Agency, Franklin, Tennessee, and on assignment with the Medical Center Arlington,

Arlington, Texas, Respondent withdrew one (1) tablet of Hydrocodone/APAP 7.5/325mg and one (1) vial of Morphine 4mg from the medication dispensing system for patients, but failed to follow the policy and procedures for wastage 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.

- 15. On or about May 28, 2015, while employed as a Registered Nurse with Parallon Staffing Agency, Franklin, Tennessee, and on assignment with the Medical Center Arlington, Arlington, Texas, Respondent misappropriated one (1) tablet of Hydrocodone/APAP 7.5/325mg from Patient Medical Record Number 857769, and one (1) vial of Morphine from Patient Medical Record Number 728449, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
- 16. On or about June 3, 2015, while employed as a Registered Nurse with Parallon Staffing Agency, Franklin, Tennessee, and on assignment with the Medical Center Arlington, Arlington, Texas, Respondent falsely documented in the patient's Medication Administration Record (MAR) that she had administered one (1) vial of Hydromorphone 1mg to Patient Medical Record Number 858535 in that the withdrawal of the medication from the medication dispensing system was cancelled. Respondent's conduct created an inaccurate medical record and failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment.
- On or about June 12, 2015, while employed as a Registered Nurse with Parallon Staffing Agency, Franklin, Tennessee, and on assignment with the Medical Center Arlington, Arlington, Texas, Respondent engaged in the intemperate use of Alprazolam, Hydromorphone, Hydrocodone, Oxycodone, and Oxymorphone, in that she produced a specimen for a for-cause drug screen which resulted positive for Alprazolam, Hydromorphone, Hydrocodone, Oxycodone, and Oxymorphone. The use of Alprazolam, Hydromorphone, Hydrocodone, Oxycodone, and Oxymorphone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.
- 18. On or about September 21, 2015, through October 18, 2015, while employed as a Registered Nurse with Regency Hospital of Fort Worth, Fort Worth, Texas, Respondent withdrew one (1) tablet of Tylenol #3, eight (8) vials of Dilaudid 2mg, four (4) tablets of Zolpidem Tartrate 5mg, twelve (12) vials of Morphine 15mg, one (1) vial of Morphine 2mg, eleven (11) tablets of Norco 5/325mg, nine (9) tablets of Norco 10/325mg, one (1) tablet of Tramadol 50mg, two (2) tablets of Xanax 0.25mg and two (2) tablets of Xanax 0.50mg from the medication dispensing system for patients, but failed to document and/or completely and accurately document, the administration of the medications in patients' Medication Administration

Records and/or nurses' 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. Additionally, Respondent's conduct placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

- 19. On or about September 21, 2015, through October 18, 2015, while employed as a Registered Nurse with Regency Hospital of Fort Worth, Fort Worth, Texas, Respondent withdrew Tylenol #3, Dilaudid 2mg, Morphine 15mg, Norco 10/325mg, Zolpidem Tartrate 5mg, and Xanax 0.5mg from the medication dispensing system for patients in excess frequency/dosage of the physician's order. Respondent's conduct was likely to injure the patients in that the administration of the Tylenol #3, Dilaudid, Morphine, Norco, Zolpidem Tartrate and Xanax in excess frequency and/or dosage of the physician's order, could result in the patients suffering from adverse reactions. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
- 20. On or about September 21, 2015, through October 18, 2015, while employed as a Registered Nurse with Regency Hospital of Fort Worth, Fort Worth, Texas, Respondent withdrew one (1) tablet of Tylenol #3, four (4) tablets of Zolpidem Tartrate 5mg, ten (10) vials of Morphine 15mg, eight (8) vials of Dilaudid 2mg, nine (9) tablets of Norco 5/325mg, one tablet of Tramadol 50mg, six (6) tablets of Norco 10/325mg, two (2) tablets of Xanax 0.25mg and two (2) tablets of Xanax 0.50mg from the medication dispensing system for patients, but failed to follow the facility's policy and procedures for wastage 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.
- 21. On or about September 21, 2015, through October 18, 2015, while employed as a Registered Nurse with Regency Hospital of Fort Worth, Fort Worth, Texas, Respondent misappropriated one (1) tablet of Tylenol #3 from Patient Medical Record Number 194139, four (4) tablets of Ambien 5mg, ten (10) vials of Morphine 15mg, three (3) vials of Dilaudid 2mg, six (6) tablets of Norco 10/325mg, and one (1) tablet of Tramadol 50mg from Patient Medical Record Number 194154, five (5) vials of Dilaudid 2mg from Patient Medical Record Number 194164, nine (9) tablets of Norco 5/325mg and two (2) tablets of Xanax 0.25mg from Patient Medical Record Number 194153, two (2) tablets of Xanax 0.50mg from Patient Medical Record Number 194175, and one (1) vial of Morphine 2mg from Patient Medical Record Number 194150, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
- 22. On or about September 25, 2015, through October 15, 2015, while employed as a Registered Nurse with Regency Hospital of Fort Worth, Fort Worth, Texas, Respondent falsely documented in the Medication Administration Record (MAR) of Patient Medical Record

194154 that she administered four (4) vials of Morphine 15mg, when there were no medication withdrawals from the medication dispensing system associated with the time or date of administration. Respondent's conduct created an inaccurate medical record and failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment.

- 23. On or about May 31, 2016, while employed as a Registered Nurse with US Renal Care Fort Worth Dialysis and Tarrant County Home Dialysis, Fort Worth, Texas, Respondent obtained Alprazolam 1mg and Permethrin Cream 5% from Meadowbrook Pharmacy, Fort Worth, Texas, through the use of an unauthorized prescription, using the name and Drug Enforcement Administration (DEA) number assigned to Peter Ramirez, M.D. Respondent's conduct was likely to deceive the pharmacy and possession of Alprazolam through use of an unauthorized prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
- 24. Respondent's conduct as described in the preceding Findings of Fact Numbers Seven (7) through Twenty-Three (23) resulted from or was significantly influenced by Respondent's substance use disorder.
- 25. The Board finds that there exists serious risks to public health and safety as a result or impaired nursing care due to intemperate use of controlled substances or chemical dependency.
- 26. Formal Charges were filed on January 12, 2016.
- 26. Formal Charges were mailed to Respondent on January 13, 2016.
- 27. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.
- 28. Respondent has provided verified proof of at least one year of sobriety through drug screens.
- 29. Respondent has provided proof of sustained attendance at AA and NA meetings.
- 30. Respondent provided a reference letter from her current Program Director at Behaviorist On Call in Fort Worth, TX, who described Respondent's dependability and competency as a nurse.
- Respondent provided a reference letter from an LVN whom she works with, who described Respondent's remorse about her past actions and positive growth.
- Respondent provided a letter of reference from a leader at her church, who described Respondent's creation of a recovery group for women in 2017.

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),(3) and 22 Tex. ADMIN. CODE §217.12 (1)(A),(1)(B), (1)(C),(1)(E),(4),(5),(6)(A),(6)(G),(6)(H),(8),(10)(A),(10)(B),(10)(C),(10)(D),(10)(E)&(11)(B).
- 4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 834014, heretofore issued to BRITTANY LE SIMS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
- 5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 834014, previously issued to BRITTANY LE SIMS, to practice nursing in Texas is hereby SUSPENDED with the suspension STAYED and Respondent is hereby placed on PROBATION, in accordance with the terms of this Order, for a minimum of three (3) years AND until Respondent fulfills the requirements 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" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 et seq., the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 Tex. ADMIN. CODE §§211.1 et seq., and this Order.

III. 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 courses and video programs will not be approved.

- B. A Board-approved course in medication administration with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. A Board-approved course in nursing documentation that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- D. The course "Sharpening Critical Thinking Skills." a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a preapproved provider. Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.

V. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of entry of this Order. 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, 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 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: 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. Direct Supervision: For the first year [four (4) quarters] 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). 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.
- No Night or Rotating Shifts, Overtime, or On-Call: For the first year [four
 (4) quarters] of employment as a Nurse under this Order, 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.

- E. No Critical Care: For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT 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.
- F. No Administration of Controlled Medications: For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- G. Indirect Supervision: 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.
- H. Nursing Performance Evaluations: RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for 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, RESPONDENT 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, 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.

- B. While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, nalbuphine, propofol and 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 RESPONDENT obtains employment and submits the Notification of Employment form to the Board.
 - For the first three (3) month [1st quarter] period RESPONDENT 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 RESPONDENT 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. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

<u>Specimens shall be sereened</u> for any or all of the following substances and/or their metabolites:

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, RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not RESPONDENT 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 RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to further disciplinary action, including TEMPORARY 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. 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.

While under the terms of this Order, 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 quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

VIII. FURTHER COMPLAINTS

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.

IX. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, 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 Agreed Order. I have reviewed this Order. Theither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be malled to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) to practice hursing in the State of Texas, as a consequence of my noncompliance.

	Signed this Mth day of TUNE, 20/8. BRITTANY LE SIMS, Respondent
Sworn to and subscribed before me	this 12 day of June 20 0.
SEAL	Notary Public in and for the State of Texas
SCRIPS OF STREET	Approved as to form and substance. DEBORAH GOODALL, Attorney for Respondent Signed this 3th day of June 20/8.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of June, 2018, by BRITTANY LE SIMS, Registered Nurse License Number 834014, and said Order is final.

Effective this 19th day of July, 20 18.

Katherine A. Thomas, MN, RN, FAAN

Executive Director on behalf

of said Board