

OFFICE OF PROFESSIONAL REGULATION
VERMONT STATE BOARD OF NURSING

IN RE:	Brenda Nix	)	
	Case File No. NU76-0404	)	DEFAULT ORDER
	License No. 26-28941	)	

Introduction

The Board of Nursing held a default hearing in the above matter on September 13, 2004 at 81 River Street in Montpelier, Vermont. Board members Susan Farrell, Sandra Norton, Ellen Leff, Donarae Metcalf, Pat Rock, Linda Rice, Alan Weiss, De-Ann Welch, and Elayne Clift participated in the decision. State Prosecuting Attorney Angela Stanski appeared for the State. Brenda Nix ("the Respondent") did not attend.

Findings of Fact

1. The Respondent was sent notice of the Charges against her to her last known address by certified mail and first class mail on July 16, 2004.
2. Neither mailing was returned to the Office of Professional Regulation.
3. Notice of the default hearing was mailed to the same address by certified and regular mail on August 26, 2004.
4. The first class mailing was returned with a new forwarding address in Texas. The Office then sent notice of the default hearing to the Respondent in Texas on September 7, 2004.
5. After taking notice of its own file, the Board found the Respondent to be in default. The allegations contained in the State's Specification of Charges dated July 7, 2004 (copy attached) are therefore treated as the facts on which the Board's order is based.

Conclusions of Law

The Respondent has received adequate notice of the charges against her as indicated by the Board's file. Because the Respondent has failed to answer the charges against her, the State's factual allegations are treated as if proved. Accordingly, the Board finds, in the default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent is hereby REPRIMANDED.

Appeal Rights

This is a final administrative determination by the Vermont State Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By: Susan Farrell
Susan Farrell, RN
Chair

Date: 9/13/04

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9/20/04

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:)
BRENDA J. NIX) **Docket No. NU 76-0404**
License No: 026-0028941)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Brenda J. Nix, R.N.:

Board Authority

1. The Vermont Board of Nursing ("the Board") has jurisdiction to investigate complaints of unprofessional conduct and discipline nurses pursuant to 3 V.S.A. §§129 and 129a; 26 V.S.A. §1582; the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.
2. Making a false representation in procuring or attempting to procure a license to practice nursing constitutes unprofessional conduct and is a basis on which the Board can impose disciplinary action. 26 V.S.A. §1582(a)(1); Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(A).
3. Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is unprofessional conduct and is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(3).

Facts

4. The Respondent, Brenda J. Nix, is licensed by the State of Vermont as a Registered Nurse under license number 026-0028941.
5. Respondent's license was originally issued on November 17, 2003 and Respondent's license lapsed on February 17, 2004.
6. On or about November 17, 2003, the Vermont Board of Nursing received an Application for Licensure by Endorsement from the Respondent.
7. On her application, the Respondent stated "No" to the question of "Has any state or federal licensing authority restricted, suspended, revoked or taken any other disciplinary action against a license, certificate, or registration that you hold or held in any profession or occupation?"
8. However, on January 21, 1999, the Respondent received a sanction against her

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Texas nursing license of a Warning with Stipulations. (See Attachments A and B).

Charges

- A. The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:
- i. 26 V.S.A. §1582(a)(1); Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(A) (making a false representation in procuring or attempting to procure a license to practice nursing); and
 - ii. 3 V.S.A. §129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

WHEREFORE, the license of Brenda J. Nix should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 7th day of July 2004.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian

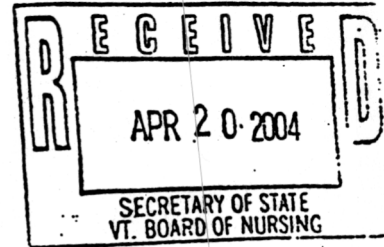
State Prosecuting Attorney

nu.nix.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602



BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate
Number 590719 issued to
BRENDA JEME NIX

§
§
§

AGREED ORDER

An investigation by the Board produced evidence indicating that BRENDA JEME NIX, hereinafter referred to as Respondent, may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended.

An informal conference was held on August 4, 1998, at the office of the Board of Nurse Examiners, in accordance with Article 4524C, Revised Civil Statutes of Texas, as amended.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Penny Puryear Burt, RN, JD, Executive Director's Designee; Cue Boykin, Assistant Attorney General; Anthony L. Diggs, MSCJ, Director of Investigations; and Diane E. Burell, Investigator.

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.
2. Respondent waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received an Associate Degree in Nursing from Redlands Community College, El Reno, Oklahoma, in May 1992.

Attachment A E15

5. Respondent's professional employment history includes:

1992 - 1993	Staff Nurse/Oncology Unit Baptist Hospital Oklahoma City, OK
1993 - 1997	Staff Nurse/Oncology and CICU St. Mary's Hospital Port Arthur, Texas
1997 - present	Staff Nurse/Bone Marrow Transplant Unit Methodist Hospital San Antonio, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse with St. Mary's Hospital, Port Arthur, Texas, and had been in this position for four (4) years.
7. Respondent, on or about July 6, 1997, while employed with St. Mary's Hospital, Port Arthur, Texas, verbally abused patient #303653 by calling the patient "bitch" when Respondent was kicked in the face by the patient.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(6).
4. The evidence received is sufficient cause pursuant to Article 4525(b), TEX. REV. CIV. STAT. ANN., to take disciplinary action against license number 590719, heretofore issued to BRENDA JEME NIX.

AGREED SANCTIONS

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Warning with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Art. 4513 et. seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 et. seq. and this Order.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to BRENDA JEME NIX, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course

prior to enrollment. Home Study courses and video programs will not be approved. The course must be a minimum of six (6) contact hours in length. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT'S successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license to practice professional 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 alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Agreed Sanctions, and any conditions of this 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.

Signed this 18th day of November, 1998.

Brenda Jeme Nix
BRENDA JEME NIX, Respondent

Sworn to and subscribed before me this 18 day of November, 1998

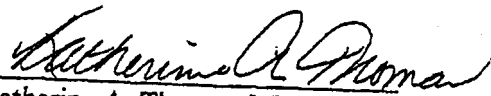
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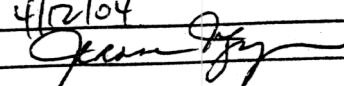
Anna Riojas Rodriguez
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 18th day of November, 1998, by BRENDA JEME NIX, license number 590719, and said Order is final.

Effective this 21st day of January, 1999.


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

I certify this to be a true copy of the records on file with the Board of Nurse Examiners for the State of Texas.

Date: 4/12/04
Signed: 



BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS

Mailing Address:
POST OFFICE BOX 430
AUSTIN, TEXAS 78767-0430

WEB SITE: www.bne.state.tx.us
333 GUADALUPE, SUITE 3-460
AUSTIN, TEXAS 78701 • 512/305-7400 • Fax: 512/305-7401

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR

April 16, 1999

Brenda Jeme Nix
668 Summerhaven
Forney TX 75126

Dear Ms. Nix:

This office has received confirmation of your completion of a Board-approved course in nursing jurisprudence, as well as ethics. Our records now indicate your completion of the requirements of the Order of the Board dated January 21, 1999.

Your licensure record no longer indicates a restricted status.

If you have any questions, please contact this office at (512) 305-6834.

Sincerely,

A handwritten signature in cursive script, appearing to read "Korena Schaaf".

Korena Schaaf
Investigator
Monitoring

Attachment B

MEMBERS OF THE BOARD

NANCY BOSTON
TEMPLE, TEXAS

MARY LETRICE KEMP BROWN, RSN, RN
DALLAS, TEXAS

JOHN FONTENO, JR
HOUSTON, TEXAS

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