



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.
Patricia Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 171819 §
issued to ANDRIA KAY HARRELL §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 171819, issued to ANDRIA KAY HARRELL, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent holds a license to practice vocational nursing in the State of Texas which is currently in suspended status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Arkansas State University-Searcy, Searcy, Arkansas, on June 17, 1993. Respondent was licensed to practice vocational nursing in the State of Texas in May 5, 1999.
4. Respondent's nursing employment history includes:

03/99 - 06/08	LVN/Charge Nurse	Rock Haven Nursing Home Nacogdoches, Texas
10/05 - 01/07	LVN/Pediatric	At Home Healthcare Tyler, Texas

Respondent's nursing employment history continued:

08/08 - 02/09	LVN	Stalling Court Nursing & Rehabilitation Nacogdoches, Texas
02/09 - 05/10	LVN/Charge Nurse	Autumn Leaves Nursing & Rehabilitation, Inc. Henderson, Texas
06/10 - Present	Unknown	

5. On or about February 24, 2011, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Finding of Fact, Conclusions of Law and Order dated February 24, 2011, is attached and incorporated herein by reference as part of this Order.
6. Formal Charges were filed on September 28, 2011. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
7. Formal Charges were mailed to Respondent on September 28, 2011.
8. On September 28, 2011, Respondent was issued an Order of Temporary Suspension by the Texas Board of Nursing. A copy of the Order of Temporary Suspension is attached and incorporated by reference as part of this Order.
9. On October 4, 2011, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated October 4, 2011, is attached and incorporated herein by reference as part of this Order.
10. 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.
11. 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 violations of Section 301.452(b)(1),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(9),(10)(A),(10)(D) &(11)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 171819, heretofore issued to ANDRIA KAY HARRELL, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
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 vocational nursing in the State of Texas.

Effective this 5th day of October, 2011.



TEXAS BOARD OF NURSING

By:



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

10-04-2011

I, Andria Kay Harrell, do hereby voluntarily surrender my vocational nursing license (#171819) ~~effective~~ effective immediately.

Thank you
Andria Harrell
154 County Road 810
Nacogdoches, TX 75964

512-305-6870

In the Matter of Permanent License § BEFORE THE TEXAS
Number 171819, Issued to §
ANDRIA KAY HARRELL, Respondent § BOARD OF NURSING

ORDER OF TEMPORARY SUSPENSION

TO: Andria Kay Harrell
154 CR 810
Nacogdoches, Texas 75964

A public meeting of the Texas Board of Nursing was held on September 28, 2011 at 333 Guadalupe, Room 2-225, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 171819, issued to ANDRIA KAY HARRELL was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of ANDRIA KAY HARRELL and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

CHARGE I.

On or about July 29, 2011, while participating in the Texas Peer Assistance Program for Nurses, Respondent engaged in the intemperate use of alcohol in that she submitted a specimen for a drug screen which resulted positive for alcohol metabolites Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS) and she admitted to drinking alcohol. The use of alcohol by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5), (10)(A)&(10)(D).

CHARGE II.

On or about July 29, 2011, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on February 24, 2011. Non-compliance is the result of Respondent's failure to comply with all the requirements of the TPAPN participation agreement, as required by Stipulation Number Three (3) of the Agreed Order dated February 24, 2011, which reads as follows:

(3) RESPONDENT SHALL, comply with all the requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

On August 9, 2011, Respondent was dismissed from TPAPN and referred to the Board. A copy of the Agreed Order dated February 24, 2011, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

The Texas Board of Nursing further finds that, given the nature of the allegations concerning her fitness to practice, the continued practice of nursing by ANDRIA KAY HARRELL constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Vocational Nurse License No. 171819 is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 171819, issued to ANDRIA KAY HARRELL, to practice nursing in the State of Texas be, and the same is hereby, SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 28th day of September, 2011.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 171819, Issued to §
ANDRIA KAY HARRELL, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ANDRIA KAY HARRELL, is a Vocational Nurse holding license number 171819, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about July 29, 2011, while participating in the Texas Peer Assistance Program for Nurses, Respondent engaged in the intemperate use of alcohol in that she submitted a specimen for a drug screen which resulted positive for alcohol metabolites Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS) and she admitted to drinking alcohol. The use of alcohol by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5), (10)(A)&(10)(D).

CHARGE II.

On or about July 29, 2011, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on February 24, 2011. Non-compliance is the result of Respondent's failure to comply with all the requirements of the TPAPN participation agreement, as required by Stipulation Number Three (3) of the Agreed Order dated February 24, 2011, which reads as follows:

(3) RESPONDENT SHALL, comply with all the requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

On August 9, 2011, Respondent was dismissed from TPAPN and referred to the Board. A copy of the Agreed Order dated February 24, 2011, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

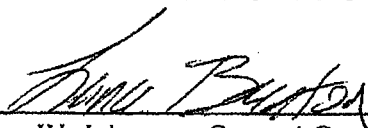
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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated February 24, 2011.

Filed this 20th day of September, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated February 24, 2011

D/2010.12.28

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 171819 §
issued to ANDRIA KAY HARRELL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANDRIA KAY HARRELL, Vocational Nurse License Number 171819, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 19, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Arkansas State University-Searcy, Searcy, Arkansas, on June 17, 1993. Respondent was licensed to practice vocational nursing in the State of Texas in May 5, 1999.
5. Respondent's nursing employment history includes:

03/99 - 06/08	LVN/Charge Nurse	Rock Haven Nursing Home Nacogdoches, Texas
10/05 - 01/07	LVN/Pediatric	At Home Healthcare Tyler, Texas

Respondent's nursing employment history continued:

08/08 - 02/09	LVN	Stalling Court Nursing & Rehab Nacogdoches, Texas
02/09 - 05/10	LVN/Charge Nurse	Autumn Leaves Nursing & Rehabilitation, Inc. Henderson, Texas
06/10 - Present	Unknown	

6. At the time of the incidents, Respondent was employed as a LVN Charge Nurse with Autumn Leaves Nursing and Rehabilitation, Inc., Henderson, Texas, and had been in this position for one (1) year and two (2) months.
7. During April 2010 through May 2010, while employed with Autumn Leaves Nursing and Rehabilitation, Henderson, Texas, Respondent misappropriated Hydrocodone belonging to the facility and/or the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
8. On or about April 26, 2010 through May 5, 2010, while employed with Autumn Leaves Nursing and Rehabilitation, Henderson, Texas, Respondent signed out Hydrocodone on the Individual Patient's Narcotic Drug Record for patients who denied receiving the medication, as follows:

Date/Time	Patient	Physician's Order	Individual Patient's Narcotic Record	Wastage
4/30/10@0200	YJ	Hydrocodone 1 tab PO X4 day	1 Hydrocodone	No
5/3/10@ 0100	YJ	Hydrocodone 1 tab PO X4 day	1 Hydrocodone	No
4/26/10@2400	PS	Hydrocodone 1 tab PRN	1 Hydrocodone	No
4/28/10@2400	PS	Hydrocodone 1 tab PRN	1 Hydrocodone	No
4/29/10@2400	PS	Hydrocodone 1 tab PRN	1 Hydrocodone	No
4/30/10@2400	PS	Hydrocodone 1 tab PRN	1 Hydrocodone	No
5/2/10@2400	PS	Hydrocodone 1 tab PRN	1 Hydrocodone	No
5/3/10@2400	PS	Hydrocodone 1 tab PRN	1 Hydrocodone	No
5/4/10@2400	PS	Hydrocodone 1 tab PRN	1 Hydrocodone	No
5/5/10@2400	PS	Hydrocodone 1 tab PRN	1 Hydrocodone	No

Respondent's conduct resulted in an inaccurate medical record and was likely to deceive subsequent care givers who relied on the accuracy of the information while providing care to the patient.

9. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
10. 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.
11. Respondent's conduct described in Findings of Fact Number Seven (7) and Eight (8) resulted from Respondent's impairment by dependency on chemicals.
12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(C) and 217.12(1)(A),(B),(4),(6)(G),(8)&(10)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 171819, heretofore issued to ANDRIA KAY HARRELL, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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.

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, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in 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.

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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 violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and 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 revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16th day of February, 2011.

Andria Harrell

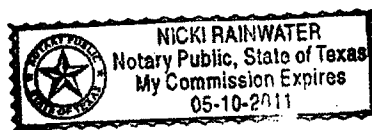
ANDRIA KAY HARRELL, Respondent

Sworn to and subscribed before me this 16th day of February, 2011.

SEAL

Nicki Rainwater

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 and enter the Agreed Order that was signed on the 16th day of February, 2011, by ANDRIA KAY HARRELL, Vocational Nurse License Number 171819, and said Order is final.

Entered and effective this 24th day of February, 2011.



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