



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
CYNTHIA ANN MORRIS,	§	
PETITIONER for Eligibility for Licensure	§	ELIGIBILITY ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Endorsement Application, which has been processed as a Petition for Declaratory Order pursuant to 22 TEX. ADMIN. CODE §217.5(f) and §213.30, and supporting documents filed by CYNTHIA ANN MORRIS, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(8)&(10) and 301.453, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on July 30, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director.

FINDINGS OF FACT

1. On or about January 3, 2012, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.
2. Petitioner waived representation by counsel, informal proceedings, notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from Riverside Community College, Riverside, California, on June 1, 1979.

4. Petitioner completed the Endorsement Application and answered "yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*
5. On May 27, 1998, Petitioner was issued an Order by the Board of Registered Nursing, Department of Consumer Affairs, State of California. A copy of the May 27, 1998, Stipulation, Decision and Order is attached and incorporated by reference as part of this Order.
6. On May 26, 2001, Petitioner satisfied all terms and conditions as set forth in the Stipulation, Decision and Order issued on May 27, 1998, by the Board of Registered Nursing, Department of Consumer Affairs, State of California.
7. After considering the action taken by the Board of Registered Nursing, Department of Consumer Affairs, State of California, along with Petitioner's subsequent conduct, the Executive Director is satisfied that Petitioner should be able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
8. Petitioner has sworn that, with the exception of matters disclosed in connection with the Endorsement Application, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
9. Petitioner presented no evidence of behavior which is inconsistent with good professional character.
10. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
11. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
12. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
13. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

14. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about January 3, 2012, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(8)&(10), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
6. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

ORDER

NOW, THEREFORE, IT IS AGREED that the application of PETITIONER is hereby GRANTED, and upon payment of the required fees, PETITIONER SHALL be issued the applicable license to practice nursing in the State of Texas, which shall be subject to the following stipulations:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act and the Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

PETITIONER SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.*, and this Order.

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

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

(1) PETITIONER SHALL, within one (1) year of licensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. PETITIONER 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 PETITIONER'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if

any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license to practice nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 24 day of August, 2012

Cynthia Ann Morris
CYNTHIA ANN MORRIS, PETITIONER

Sworn to and subscribed before me this 24th day of August, 2012.



Sally A. Perry
Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Eligibility Order that was signed on the 24th day of August, 2012, by CYNTHIA ANN MORRIS, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 31st day of August, 2012.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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

REGISTERED NURSING PROGRAM

Louise R. Bailey, M. Ed., RN



1 hereto as an Exhibit and is incorporated by reference as though
2 set forth at length herein. Respondent is subject to the
3 jurisdiction of the Board in regard to the matters alleged in the
4 Accusation.

5 2. Respondent has retained James Jay Seltzer,
6 Esquire, as her attorney of record in this matter, and Mr.
7 Seltzer has fully advised her of the nature of the charges
8 alleged in the Accusation and the content and effect of this
9 Stipulation and of the Decision and Order. Respondent
10 understands the charges and allegations of violations of the
11 Business and Professions Code and the Health and Safety Code
12 alleged in the Accusation and her rights under the Administrative
13 Procedure Act.

14 3. Respondent withdraws the Notice of Defense
15 previously filed in this matter, and agrees to be bound by the
16 terms of this Stipulation, and of the Decision and Order, and
17 freely and voluntarily waives any rights she may have in this
18 proceeding to a hearing on the charges and allegations contained
19 in the Accusation, to reconsideration, to appeal, to judicial
20 review, and to all other rights which she may have under the
21 California Administrative Procedure Act and the laws and
22 regulations of the State of California.

23 4. Respondent admits the truth of each and every
24 factual allegation contained in Accusation No. 98-14 and further
25 admits that cause exists thereby to impose discipline upon her
26 license under Business and Professions Code section 2761(a) on
27 the grounds of unprofessional conduct, as defined in section
28 2762(e) of that code, as follows:

1 A. On or about February 1, 1993, respondent forged
2 another nurse and co-worker's (Pat Wilson) signature on a
3 Narcotic Controlled Drug Record during the narcotic count.
4 Respondent was disciplined by a hospital nursing manager for
5 forging the nurse's name in violation of the hospital's policy
6 and standards of nursing practice regarding controlled
7 medication.

8 B. On December 10, 1993, respondent altered Patient
9 Ruth E.'s computerized nursing notes/flow sheet.

10 C. On December 10, 1993, respondent altered the dosage
11 amount of Morphine she administered to Patient Ruth E. by
12 changing the dosage amount from 10 mg. to 5 mg. on the Narcotic
13 Controlled Drug Record. Respondent had previously acknowledged
14 that she administered to the patient a total of 10 mg. of
15 Morphine (5 mg. and 5 mg.) and the Narcotic Controlled Drug
16 Record reflects that respondent initially documented that she
17 withdrew 10 mg. of Morphine. Respondent subsequently altered the
18 Narcotic Controlled Drug Record, changing the withdrawal of 10
19 mg. of Morphine to only 5 mg. with 5 mg. wasted.

20 D. On December 10, 1993, respondent failed to obtain
21 any countersignature from a witness or account for the wasting of
22 5 mg. of Morphine, a controlled substance, which she had signed
23 out on the Narcotic Controlled Drug Record for patient Ruth E.

24 E. On December 10, 1993, respondent made false or
25 grossly inaccurate or inconsistent entries on Patient Ruth E.'s
26 computerized flow sheet/nursing notes concerning the times of
27 medication administration; and she failed to make a notation in
28 Patient Ruth E.'s medical record that she received a physician's

1 verbal order to administer certain medications.

2 5. Respondent has violated Business and Professions
3 Code section 2761(a)(1) on the grounds of unprofessional conduct,
4 in that while employed as a registered nurse at Mercy Medical
5 Center-Redding, she was guilty of gross negligence, within the
6 meaning of Title 16, California Code of Regulations, section
7 1442, in the following respects:

8 A. On December 10, 1993, respondent failed to
9 accurately record vital signs (including respiratory rate),
10 periodic oxygen saturation levels, and an assessment of Patient
11 Ruth E., whose medical condition was deteriorating.

12 B. On or about May 3, 1994, respondent admitted to
13 having a habit of rounding off blood pressure readings.

14 C. On December 10, 1993, respondent altered the
15 original copy of the computerized nursing notes/flow sheet for
16 Patient Ruth E.

17 D. On December 10, 1993, respondent altered the dosage
18 amount of Morphine she previously administered to Patient Ruth E.
19 by changing the dosage amount from 10 mg. to 5 mg. on the
20 computerized flow sheet.

21 Such conduct as listed above (A) through (D), constitutes a
22 separate extreme departure from the standard of care which, under
23 similar circumstances, would have been exercised by a competent
24 nurse. Respondent was grossly negligent in each area listed
25 above.

26 6. The foregoing admissions are made only for the
27 purpose of this proceeding and any subsequent proceedings between
28 respondent and the Board, the State of California and any of its

1 agencies, and any other government agency responsible for
2 licensing registered nurses. In the event this Stipulation is
3 not adopted by the Board, the admissions made herein shall be
4 null and void, and may not be used by the parties for any
5 purpose.

6 7. As of July 31, 1997, the Board has incurred costs
7 of investigation and enforcement in the amount of Ten Thousand
8 and Eighteen Dollars (\$10,018.00) which may be recovered from
9 respondent pursuant to the authority of Business and Professions
10 Code section 125.3.

11 WHEREFORE, it is stipulated that the Board of
12 Registered Nursing may issue the following Decision and Order:

13 DECISION AND ORDER

14 1. Registered Nurse License No. 305908, issued to
15 Cynthia A. Morris, is hereby revoked. However, revocation is
16 stayed and respondent is placed on probation for three (3) years
17 from the effective date of this Decision and Order, on the
18 following terms and conditions:

19 A. OBEY ALL LAWS

20 Respondent shall obey all federal, state and local
21 laws, and all rules and regulations of the Board of Registered
22 Nursing governing the practice of nursing in California. A full
23 and detailed account of any and all violations of law shall be
24 reported by respondent to the Board in writing within seventy-two
25 (72) hours of occurrence. To permit monitoring of compliance
26 with this term, respondent shall submit completed fingerprint
27 cards and fingerprint fees within forty-five (45) days of the
28 effective date of the decision, unless previously submitted as

1 part of the licensure application process.

2 B. COMPLY WITH PROBATION PROGRAM

3 Respondent shall fully comply with the terms and
4 conditions of the Probation Program established by the Board and
5 shall cooperate with representatives of the Board in its
6 monitoring and investigation of respondent's compliance with the
7 Program. Respondent shall inform the Board in writing within no
8 more than fifteen (15) days of any address change and shall at
9 all times maintain an active, current license status with the
10 Board, including during any period of suspension.

11 C. REPORT IN PERSON

12 Respondent, during the period of probation, shall
13 appear in person at interviews/meetings as directed by the Board
14 or its designated representatives.

15 D. ABSENCE FROM STATE

16 Periods of residency or practice outside of California
17 will not apply to the reduction of this probationary term. The
18 respondent must provide written notice to the Board within
19 fifteen (15) days of any change of residency or practice outside
20 the state.

21 E. SUBMIT WRITTEN REPORTS

22 Respondent, during the period of probation, shall
23 submit such written reports/declarations and verification of
24 actions under penalty of perjury as are required. These
25 declarations shall contain statements relative to respondent's
26 compliance with all the terms and conditions of the Board's
27 Probation Program. Respondent shall immediately execute all
28 release of information forms as may be required by the Board or

1 its representatives.

2 F. FUNCTION AS A REGISTERED NURSE

3 Respondent, during the period of probation, shall
4 engage in the practice of professional nursing in California for
5 a minimum of twenty-four (24) hours per week (or as determined by
6 the Board) for six (6) consecutive months. Pursuant to Section
7 2732 of the Business and Professions Code, no person shall engage
8 in the practice of registered nursing without holding a license
9 which is in an active status.

10 G. NURSING PRACTICE

11 The Board shall be informed of and approve of each
12 agency for which the respondent provides nursing services prior
13 to respondent's commencement of work. The respondent shall
14 inform her employer of the reason for and the terms and
15 conditions of probation and shall provide a copy of the Board's
16 Decision and Order to her employer and immediate supervisor. The
17 employer shall submit performance evaluations and other reports
18 as requested by the Board. Respondent is also required to notify
19 the Board in writing within seventy-two (72) hours after
20 termination of any nursing employment. Any notification of
21 termination shall contain a full explanation of the circumstances
22 surrounding it.

23 H. SUPERVISION

24 The Board shall be informed of and approve of the level
25 of supervision provided to the respondent while she is
26 functioning as a registered nurse. The appropriate level of
27 supervision must be approved by the Board prior to commencement
28 of work. Respondent shall practice only under the direct

1 supervision of a registered nurse in good standing (no current
2 discipline) with the Board of Registered Nursing.

3 I. EMPLOYMENT LIMITATIONS

4 Respondent may not work for a nurse registry, a
5 temporary nurse agency, a home care agency, an in-house nursing
6 pool, as a nursing supervisor, as a faculty member in an approved
7 school of nursing, or as an instructor in a Board approved
8 continuing education program. Respondent must work only on
9 regularly assigned, identified and predetermined worksites with
10 appropriate supervision as approved by the Board.

11 J. COMPLETE A NURSING COURSE OR COURSES

12 Respondent, at her expense, shall begin and
13 successfully complete a course or courses in nursing as directed
14 by the Board prior to engaging in the practice of nursing and
15 prior to the end of the probationary term.

16 The respondent may be suspended from practicing nursing
17 until the necessary coursework is completed. The content of such
18 course or courses and the place and conditions of instruction
19 shall be specified by Board representatives at the time of the
20 initial probation meeting based on the nature of the violations.
21 Specific courses must be approved prior to enrollment. The
22 respondent must submit written proof of enrollment and proof of
23 successful completion. Transcripts or certificates of completion
24 must be mailed directly to the Board by the agency or entity
25 instructing respondent.

26 Home study or correspondence courses are not acceptable
27 and will not be approved.

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1 K. ACTUAL SUSPENSION OF LICENSE

2 As part of probation, respondent is suspended from the
3 practice of nursing for thirty (30) days beginning the effective
4 date of this decision. The respondent will be responsible for
5 informing her employer of the Board's decision, the reasons for
6 and the length of suspension. Prior to the lifting of the actual
7 suspension of license, the respondent will provide documentation
8 of completion of educational courses or treatment rehabilitation.

9 L. COST RECOVERY AND VIOLATION OF PROBATION

10 1. Respondent shall pay to the Board a portion of its
11 costs of investigation and enforcement in the amount of Five
12 Thousand Five Hundred Dollars (\$5,500.00). Respondent shall make
13 four payments of \$1,375.00 each within 3 months, 6 months, 9
14 months, and 12 months from the effective date of this order. The
15 payments shall be made by cashier's check, certified check or
16 money order payable to "California Board of Registered Nursing"
17 and mailed or delivered to the Board at 400 R Street, Suite 4030,
18 Sacramento, California 95814 (Post Office Box 944210, Sacramento,
19 California 94244-2100).

20 2. Should respondent violate the condition of
21 probation specified above in Paragraph L.1. (payment to the Board
22 of \$5,500.00 in investigative costs), the Board may set aside the
23 stay order and impose the discipline (revocation) of respondent's
24 license forthwith, without further notice or opportunity for
25 respondent to be heard. In addition, the Board does not waive
26 any rights to pursue payment of the full amount of investigative
27 costs, as recited in Paragraph 7, in any other manner including,
28 but not limited to, withholding renewal or reinstatement of the

1 license until all costs have been paid [Business and Professions
2 Code section 125.3(g)(1)] and enforcing the order for repayment
3 in any appropriate court [Business and Professions Code section
4 125.3(e)].

5 If respondent violates the conditions of her probation
6 in any other respect, the Board, after giving respondent notice
7 and an opportunity to be heard, may set aside the stay order and
8 impose the discipline (revocation) of respondent's license which
9 was ordered.

10 3. If, during the period of probation, an Accusation
11 or Petition to Revoke Probation has been filed against
12 respondent's license or the California Attorney General's Office
13 has been requested by the Board to prepare an Accusation or
14 Petition to Revoke Probation against respondent's license, the
15 probationary period shall automatically be extended and shall not
16 expire until the Accusation or Petition has been acted upon by
17 the Board.

18 4. Upon successful completion of probation,
19 respondent's license will be fully restored.

20 5. This Stipulation shall be subject to the acceptance
21 of the Board of Registered Nursing. If the Board fails to accept
22 this Stipulation, it shall be of no force or effect for either
23 party, and the matter will be regularly set for hearing.

24 DATED: Oct 8, 1997

DANIEL E. LUNGREN
Attorney General
JOEL S. PRIMES, Supervising
Deputy Attorney General

25
26
27 
28 MAUREEN MCKENNAN STRUMPFER
Deputy Attorney General
Attorneys for Complainant

1 I hereby state that I have read and that I understand
2 this document. I understand that I have certain rights under the
3 California Administrative Procedure Act and the laws and
4 regulations of the State of California in regard to this matter,
5 and I knowingly and intelligently waive those rights.

6 My attorney has fully explained to me the legal
7 significance and consequences of this Stipulation, and I fully
8 understand all of, and agree to be bound by, the terms of this
9 document.

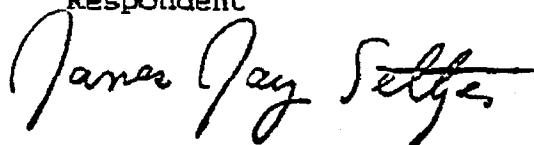
10 I further understand that this Stipulation may not be
11 accepted by the California Board of Registered Nursing, in which
12 case it is of no effect.

13 I agree that a signed facsimile (FAX) of this document
14 shall be as binding as an original signed copy.

15
16 DATED: 10/3/97


CYNTHIA A. MORRIS, R.N.
Registered Nurse License, No. 305908
Respondent

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19
20 DATED: 10/6/97


JAMES JAY SELTZER, ESQUIRE
Attorney for Respondent
Cynthia A. Morris, R.N.

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25 ORDER

26 The above Stipulation has been adopted and shall become
27 the Decision of the Board of Registered Nursing of the State of
28 California effective May 27, 1998

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IT IS SO ORDERED this 27th day of April,
1998.

BOARD OF REGISTERED NURSING
Department of Consumer Affairs
State of California

BY Maya J. Moreno

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