



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 BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS**

In the Matter of License Number 461487 § **AGREED**
issued to ALTHEA BRENDA HARRIS § **ORDER**

An investigation by the Board produced evidence indicating that ALTHEA BRENDA HARRIS, hereinafter referred to as Respondent, License Number 461487, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on March 9, 2001, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Andrew Lannie, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Jolene Zych, MS, RNC, WHCNP, Advanced Practice Nursing Consultant; Kathy Metzger, BSN, RN, Investigator; Christopher Schroeder, Investigator; and Jeanne Jacobson, BSN, RN, Senior 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 notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Kennedy-King College, Chicago, IL, in 1975. Respondent was licensed to practice professional nursing in the State of Texas on December 21, 1981. Respondent received a Certificate of Nurse-Midwifery from Baylor College of Medicine, Houston, Texas, in 1987. Respondent received recognition from the Board of Nurse Examiners as a Certified Nurse Midwife (CNM) on July 5, 1990.

5. Respondent's professional employment history includes:

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|----------------|--|
| 5/1975-9/1980 | Staff Nurse/Relief Charge/Preceptor/High Risk Team Member
Michael Reese Hospital and Medical Center
Chicago, IL |
| 9/1980-4/1982 | Staff Nurse/Relief Charge/Preceptor/Maternal Transport
Team Member
Rush Presbyterian, St. Luke's Medical Center
Chicago, IL |
| 4/1982-12/1985 | Staff Nurse/Relief Charge/Childbirth Education Instructor
Antepartum Unit Leader
Hermann Hospital
Houston, TX |
| 3/1989-5-1990 | CNM Consultant; Antepartum and Postpartum Care
Beethoven's Project
Chicago, IL |
| 7/1987-9/1989 | CNM Private and Antepartum, Intrapartum, and Postpartum
care clinic, family planning and gynecologic services, newborn
circumcision
Borgess Medical Center
Kalamazoo, MI |
| 7/1987-9/1989 | CNM Private: full-scope midwifery and coverage for MD's
Private Practice
Kalamazoo, MI |
| 7/1990-8/1997 | Clinical Instructor
Obstetrics, Gynecology and Reproductive Sciences
University of Texas
Houston, TX |
| Present | Associate Instructor
UTMB
Galveston, TX |
| Present | Director/Owner
IHEOMA Birth and Women's Services
Full-scope Midwifery Services
League City, TX |

7. At the time of the incidents, Respondent was employed as a Certified Nurse Midwife with IHEOMA Birthing Center, League City, Texas, and had been in this position for approximately one (1) year.
8. On or about June 27, 2000, while employed with IHEOMA Birthing Center, League City, Texas, Respondent failed to assess a 33 year old previous vaginal birth after caesarian (VBAC) patient as high risk for a home birth. The patient was transported to Clear Lake Regional Medical Center, Webster, Texas, for an emergency c-section and the 12 lb. 2 oz. infant subsequently expired.
9. From January through June 2000, while employed with IHEOMA Birthing Center, League City, Texas, Respondent failed to provide informed consent to the aforementioned patient, including the risks and benefits of VBAC, the possibilities of gestational diabetes, and/or the risks of excessive weight gain. Respondent's conduct was likely to deceive the patient.
10. On or about June 27, 2000, while employed with IHEOMA Birthing Center, League City, Texas, Respondent failed to assess the aforementioned patient during her labor, including assessing maternal vital signs. Respondent's conduct was likely to injure the patient from undetected signs and symptoms of uterine rupture.
11. On or about June 27, 2000, while employed with IHEOMA Birthing Center, League City, Texas, Respondent allowed the aforementioned patient to labor at the birthing center for an extended period of time. The patient experienced a uterine rupture.
12. On or about June 27, 2000, while employed with IHEOMA Birthing Center, League City, Texas, Respondent failed to intervene when the aforementioned patient exhibited signs and symptoms of stalled labor, fetal compromise, and/or uterine rupture, including failing to transfer the patient in a timely fashion. Respondent's conduct was likely to harm the patient from delayed treatment.
13. On or about June 27, 2000, while employed with IHEOMA Birthing Center, League City, Texas, Respondent failed to collaborate with the birth center's sponsoring obstetrician when the aforementioned patient exhibited signs and symptoms of stalled labor, fetal compromise, and/or uterine rupture. In addition, Respondent failed to collaborate during pre-natal care about the risk of this overweight patient for gestational diabetes, excessive weight gain, and/or a large for gestational age baby. Respondent's conduct unnecessarily exposed the patient to the risk of harm from lack of supervised care.
14. On or about June 27, 2000, while employed with IHEOMA Birthing Center, League City, Texas, Respondent failed to follow facility protocols for the management of the aforementioned patient's labor and delivery. Respondent's conduct was likely to deceive the patient and the public.

15. On or about June 27, 2000, while employed with IHEOMA Birthing Center, League City, Texas, Respondent failed to document completely and accurately on the aforementioned patient's records, including but not limited to documentation of an informed consent, documentation of risk assessment, documentation of previous surgical history (including documentation about the scar on the patient's uterus), documentation of complete lab results, documentation of education and counseling as related to specific risk factors, and documentation of maternal vital signs during labor. Respondent's conduct was likely to deceive the public and the patient.
16. From January through June, 2000, while employed with IHEOMA Birthing Center, League City, Texas, Respondent failed to provide the aforementioned patient adequate follow-up regarding blood sugars, diet, exercise, and weight gain. Respondent's conduct was likely to injure the patient.
17. On or about June 27, 2000, while employed with IHEOMA Birthing Center, League City, Texas, Respondent failed to administer treatment to the aforementioned patient for positive gram beta strep as is the recommended standard of care by the Center for Disease Control (CDC) guidelines. Respondent's conduct was likely to injure the patient from insufficient treatment.
18. During, 2000, while employed with IHEOMA Birthing Center, League City, Texas, Respondent failed to provide protocols developed jointly by her and appropriate sponsoring physicians, and signed by her and appropriate physicians, as Board rules require. Respondent's conduct was likely to deceive the patient 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, 22 TEX. ADMIN. CODE §217.11(21), and 22 TEX. ADMIN. CODE §217.12(1),(2),(3),(4)&(7).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 461487, heretofore issued to ALTHEA BRENDA HARRIS, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Limited License, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *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 and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to ALTHEA BRENDA HARRIS, 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 physical assessment with special emphasis on fetal assessment, antepartum assessment and management, and management of labor and delivery. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The target audience must include registered nurses. The didactic portion of this course must be a minimum of six (6) hours in length. The course must contain a minimum twenty-four (24) hour clinical component to be supervised by another registered nurse. To be approved, the course should cover all systems of the body. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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 has for relicensure.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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) hours in length. In order for the course to be approved, the target audience must include registered nurses. The course must contain content on the following: guidelines and processes for good reporting and recording; legal guidelines for recording; methods of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board has for relicensure.

(5) THE BOARD SHALL issue to Respondent a LIMITED LICENSE with stipulations to practice professional nursing in the State of Texas. Said limitation shall be that Respondent shall not practice as a certified nurse midwife in any home setting, or independent or free standing birthing center. If at some point in time, Respondent desires to return to advanced practice nursing within those settings, RESPONDENT SHALL NOT DO SO until Respondent has filed a petition to return to those settings and said petition has received Board approval.

IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A ADVANCED PRACTICE NURSE/CERTIFIED NURSE MIDWIFE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, PHYSICIAN'S OFFICE, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT:

(6) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations RESPONDENT's license. RESPONDENT SHALL

present a copy of this Order to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

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

(8) RESPONDENT SHALL be supervised by an advanced practice nurse (APN) or obstetrician/gynecologist physician. The supervising APN or physician is required to be on the same unit or ward as RESPONDENT and readily available to provide assistance and intervention if necessary. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. RESPONDENT SHALL NOT be self-employed.

(9) RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for two (2) years of employment as a professional nurse.

IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT:

(10) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

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

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for two (2) years of employment as a professional nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privilege, if any, 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 have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9th day of March, 2001.

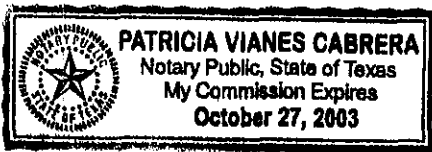
Althea B Harris
ALTHEA BRENDA HARRIS, Respondent

Sworn to and subscribed before me this 9th day of March, 2001.

SEAL

Patricia Vianes-Cabrera

Notary Public in and for the State of TEXAS



Approved as to form and substance.

Andrew J. Lannie
Andrew J. Lannie, Attorney for Respondent

Signed this 9th day of March, 2001

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 9th day of March, 2001, by ALTHEA BRENDA HARRIS, License Number 461487, and said Order is final.

Effective this 13th day of March, 2001.



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