



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 Advanced Practice Registered Nurse License Number AP113039 & Registered Nurse License Number 669825 issued to CARL RICHARD HART § AGREED § § ORDER §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CARL RICHARD HART, Advanced Practice Registered Nurse License Number AP113039 and Registered Nurse License Number 669825, 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)(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 August 19, 2015.

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 Order.
- 3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
- 4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas Medical Branch, Galveston, Texas, on April 15, 2000, and received a Masters in Nursing from the University of Texas Medical Branch, Texas, on December 12, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 5, 2000, and was licensed to practice advanced practice registered nursing in the role of Family Nurse

Practitioner in the State of Texas on February 12, 2004, and granted Prescriptive Authority by the Board on March 10, 2004.

5. Respondent's nursing employment history includes:

1999 - 2003	Clinical Services Superintendent	Texas Air National Guard Unknown
2000 - 2001	Nurse Clinician	University of Texas Medical Branch at Galveston Galveston, Texas
2004 - 2007	FNP	Cline Pediatrics Dickinson, Texas
2007 - 2009	FNP	University of Texas Medical Branch at Galveston Galveston, Texas
2009	FNP	University of Texas Medical Branch Pediatric and Family Medicine Clinic Galveston, Texas
2009 - 2013	FNP	Cline Pediatrics Dickinson, Texas
07/13 - 04/15	FNP	CareHere, LLC Galveston, Texas
Unknown - Present	FNP	Clear Lake Family Physicians Houston, Texas

6. At the time of the incident, Respondent was employed as a Family Nurse Practitioner with CareHere, LLC, and had been in that position for one (1) year and nine (9) months.
7. On or about April 8, 2015, while employed as an Family Nurse Practitioner with CareHere, LLC, Angleton, Texas, Respondent made inappropriate comments while examining Patient 278062, a seventeen-year-old female, upon noticing her belly button ring. Respondent's conduct was likely to cause emotional, physical, and/or psychological harm to the patient and could have interfered or disrupted this patient's treatment.
8. In response to Finding of Fact Number Eight (8), Respondent states he took the opportunity to provide a teaching moment to this patient regarding self-respect. Respondent states the patient did not make him aware that she felt offended in any way. Respondent states there was no intent on his part to harm the patient or make her feel uncomfortable.

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)(J), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(C) &(6)(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP113039 and Registered Nurse License Number 669825, heretofore issued to CARL RICHARD HART.
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 that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION** in accordance with the terms 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. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

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. 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 courses **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A 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. **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.
- C. **The course "Professional Boundaries in Nursing,"** a 3.0 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 pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. 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 RESPONDENT may be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

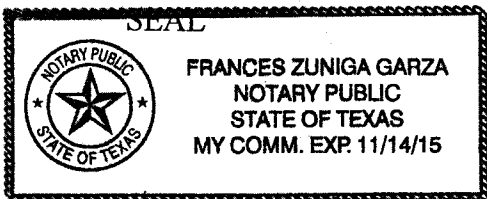
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(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 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) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of SEPTEMBER, 20 15.

[Signature]
CARL RICHARD HART, Respondent

Sworn to and subscribed before me this 28 day of SEPTEMBER, 20 15.



[Signature]
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 ratify and adopt the Agreed Order that was signed on the 28th day of September, 2015, by CARL RICHARD HART, Advanced Practice Registered Nurse License Number AP113039 and Registered Nurse License Number 669825, and said Order is final.

Effective this 22nd day of October, 2015.



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