



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
Registered Nurse License Number 514622	§	
issued to GAIL MARIE MORRIS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GAIL MARIE MORRIS, Registered Nurse License Number 514622, 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)(2)&(10), 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 September 9, 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.
4. Respondent received a Baccalaureate Degree in Nursing from Pennsylvania, on June 1, 1982. Respondent was licensed to practice professional nursing in the State of Texas on may 11, 1984.
5. Respondent's nursing employment history includes:

11/2006 - present Research RN Supervisor

MD Anderson Cancer Center
Houston, Texas

6. On or about June 23, 2013, Respondent submitted a Texas Online Renewal Document Registered Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about September 9, 2012, Respondent was arrested by the Houston Police Department for DWI, a Class B misdemeanor offense. The criminal charge was still pending at the time she submitted the renewal to the Board.

7. On or about February 6, 2014, Respondent entered a plea of Not Guilty and was convicted of DWI 1ST OFFENDER BAC .08, a Class B misdemeanor offense committed on September 9, 2012 in the County Criminal Court at Law No. 2 of Harris County, Texas, under Cause No. 185015101010. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of eight (8) days; and ordered to pay court costs.
8. On or about February 23, 2015, Respondent entered a plea of Guilty and was convicted of DWI 2ND OFFENDER BAC .08, a Class A misdemeanor offense committed on August 16, 2014 in the county Criminal Court at Law No. 2 of Harris County, Texas, under Cause No. 197866301010. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of one (1) year; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of eighteen (18) months, and ordered to pay a fine and court costs.
9. On or about June 1, 2015, Respondent submitted a Timely License Renewal Form Registered Nurse to the Texas Board of Nursing in which she answered "Yes" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent disclosed the following:

On or about February 6, 2014, Respondent entered a plea of Not Guilty and was convicted of DWI 1ST OFFENDER BAC .08, a Class B misdemeanor offense committed on September 9, 2012 in the County Criminal Court at Law No. 2 of Harris County, Texas, under Cause No. 185015101010.

On or about February 23, 2015, Respondent entered a plea of Guilty and was convicted of DWI 2ND OFFENDER BAC .08, a Class A misdemeanor offense committed on August 16, 2014 in the county Criminal Court at Law No. 2 of Harris County, Texas, under Cause No. 197866301010.

10. In response to Findings of Fact Numbers Six (6) through Nine (9), Respondent states On the occasion of September 9, 2012, she was out for dinner with a friend. She had two or three drinks with dinner, drank a lot of water, and felt she was ok to drive. On the way home, she was cut off and swerved and ran off the road and hit a tree. The police, administered a breathalyzer and found she was above the legal limit. She made the foolish mistake of answering falsely regarding being arrested on her nursing renewal application in June 2013. She was told by her attorney that the charge would be dismissed. She feared she would be publicly humiliated or worse, lose her job. She was found guilty and went to jail for several days. On the second charge, she went to a tailgate party at a Texans game with a friend from work. She ate and drank alcoholic beverages there with the understanding that she would ride home with her friend. Her friend unexpectedly left with someone else, and she made the poor decision to drive herself. On the way home she had a tire blowout. The police came and saw she had been drinking and again she was charges with a DWI.

11. On June 24, 2015, Respondent was seen by Dr Joyce M. Gayles, Ph.D., who states the following:

The overall results of this evaluation indicate that Respondent can be expected to follow the rules and guidelines of the Texas Board of Nursing and to act in a professional manner as a nurse. It appears that Respondent's problem with alcohol is not a long-standing or enduring one. In other words, her misuse of alcohol that resulted in her DWIs is unlikely to be repeated. Respondent should continue to receive random drug screens as required by her probation and she should be required to provide the results of those to the Texas Board of Nursing.

12. 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.
13. Formal Charges were filed on March 30, 2015.
14. Formal Charges were mailed to Respondent on March 30, 2015.

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 §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 514622, heretofore issued to GAIL MARIE MORRIS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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 **LIMITED LICENSE WITH STIPULATIONS** in accordance with the terms of this Order.

- A. While under the terms of this Order, **RESPONDENT SHALL NOT provide direct patient care.** For the purposes of this Order, direct patient care involves a personal relationship between the nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.
- B. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- C. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- D. 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 course(s) **within one (1) year of entry of this Order:**

A Board-approved 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.

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. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) days of entry of this Order.** Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IV. RESTORATION OF PATIENT CARE PRIVILEGE AND/OR UNENCUMBERED LICENSE(S)

SHOULD RESPONDENT desire to provide direct patient care, RESPONDENT SHALL petition the Board for such approval, at which time, the RESPONDENT MUST satisfy all

then existing requirements for re-issuance of the privilege to provide direct patient care. Further, the Board may impose reasonable conditions that must be satisfied by the RESPONDENT before re-issuance of an unencumbered license, which, at a minimum, shall include the remedial education courses, work restrictions, supervised practice, and/or employer reporting which would have been requirements of this Order had the license(s) not been placed in limited status.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

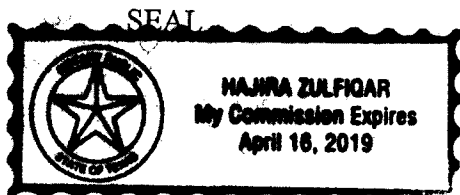
CONTINUED ON NEXT PAGE.

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 02 day of March, 2016.
Gail Marie Morris
GAIL MARIE MORRIS, Respondent

Sworn to and subscribed before me this 02 day of March, 2016.



Hajira Zulfiqar
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of March, 2016, by GAIL MARIE MORRIS, Registered Nurse License Number 514622, and said Order is final.

Effective this 21st day of April, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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