



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 A. Johnson*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of § AGREED  
Vocational Nurse License Number 307855 §  
issued to KAREN MARIE HARDWICK § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that KAREN MARIE HARDWICK, Vocational Nurse License Number 307855, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on September 5, 2017, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person.

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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Dallas Nursing Institute, Dallas, Texas on April 25, 2012. Respondent was licensed to practice vocational nursing in the State of Texas on June 26, 2012.
5. Respondent's nursing employment history includes:

6/12-2/14	Unknown	
3/14-12/14	LVN	Greenbrier Nursing & Rehab Palestine, Texas

Respondent's nursing employment history continued:

9/14-10/14	LVN	TruCare Living Center Palestine, Texas
12/14-4/16	LVN	Elkhart Oaks Care Center Elkhart, Texas
5/16-5/16	LVN	Grace Visiting Nurses Palestine, Texas
05/16-Present	LVN	At Home Healthcare Tyler, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Elkhart Oaks Care Center, Elkhart, Texas, and had been in that position for one (1) year and four (4) months.
7. On or about March 21, 2016, through April 6, 2016, while employed as a Licensed Vocational Nurse with Elkhart Oaks Care Center, Elkhart, Texas, Respondent failed to report and/or document the report the verbal abuse of Patient AS by a Registered Nurse to the Director of Nursing (DON) as required. Respondent's conduct was likely to injure the patient in that it created an unsafe environment and may have unnecessarily exposed the patient to emotional, physical, and/or psychological harm.
8. On or about March 21, 2016, through April 6, 2016, while employed as a Licensed Vocational Nurse with Elkhart Oaks Care Center, Elkhart, Texas, Respondent failed to report and/or document the report of the physical abuse of Patient SH by a Registered Nurse to the Director of Nursing (DON) as required. Respondent's conduct was likely to injure the patient in that it created an unsafe environment and may have unnecessarily exposed the patient to emotional, physical, and/or psychological harm.
9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states she sat down with both the DON and Administrator and told them about the escalating conflict going on between AS and the Charge Nurse, GB. Respondent further states she was told by DON and Administrator that the situation would be addressed and handled; however, she made a mistake in not documenting that she talked to them about it. With regards to Patient SH, Respondent states the aide on Hall 1 came to the nurse's station and stated that SH had been found on the floor. She states the DON, Administrator and Nurse Practitioner were notified. She states she then went to check on Patient SH and states the aide told her that SH had told her that the Charge Nurse, GB, had punched her in the stomach. Respondent states the aides had not seen this and neither had she.

10. Formal Charges were filed on December 8, 2016.
11. Formal Charges were mailed to Respondent on December 12, 2016.

### 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)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(6)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 307855, heretofore issued to KAREN MARIE HARDWICK.
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 **WARNING WITH STIPULATIONS** 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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

## IV. 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 the effective date of this Order, unless otherwise specifically indicated:

- A. 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.

- B. The course "Detecting and Preventing Abuse and Neglect ...," a 5.0 contact hour workshop presented in various locations by the Texas Department of Aging and Disability Services.
- C. 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.

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](http://www.bon.texas.gov/compliance).*

#### V. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each

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

- C. **Incident Reporting for Current Position:** For so long as Respondent remains employed in her current position as a Licensed Vocational Nurse with At Home Healthcare, Tyler, Texas, RESPONDENT SHALL CAUSE her employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office, for so long as RESPONDENT remains employed with At Home Healthcare.
- D. **Indirect Supervision for Subsequent Positions, if any:** Should Respondent's employment as a Licensed Vocational Nurse with At Home Healthcare, Tyler, Texas cease or change while under the remaining terms of this Order, in any: RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, **who is on the premises.** The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- E. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be submitted to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

**VI. 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.

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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 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 9<sup>th</sup> day of October 2017.

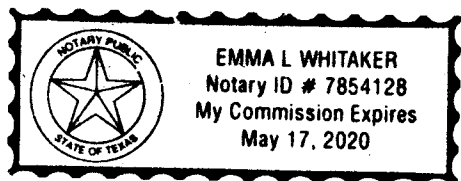
Karen Marie Hardwick  
KAREN MARIE HARDWICK, Respondent

Sworn to and subscribed before me this 9<sup>th</sup> day of October, 2017.

SEAL

Emma L. Whitaker

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 9<sup>th</sup> day of October, 20<sup>17</sup>, by KAREN MARIE HARDWICK, Vocational Nurse License Number 307855, and said Order is final.

Effective this 14<sup>th</sup> day of November, 20 17.



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