

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
MIRANDA HARRIS,	§	FOR
Registered Nurse License Number 649811,	§	KSTAR PROGRAM &
Vocational Nurse License Number 166047	§	ELIGIBILITY
& PETITIONER for Eligibility for Licensure	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority, which has been processed as a Petition for Declaratory Order, herein referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §221.4(a)(7), and supporting documents filed by MIRANDA HARRIS, hereinafter referred to as Petitioner, requesting a determination of eligibility for licensure in compliance with Section 301.257, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §221.4(a), 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 subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

Petitioner waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 13, 2019.

### FINDINGS OF FACT

1. On or about August 15, 2017, Petitioner submitted the Petition requesting a determination of eligibility for licensure.
2. Petitioner received an Associate Degree in Nursing from Lee College, Baytown, Texas, on May 1, 1997. Petitioner indicates she received a Master's Degree in Nursing from Walden University, Minneapolis, Minnesota, on August 16, 2015. Petitioner was licensed to

practice vocational nursing in the State of Texas on January 6, 1998. Petitioner was licensed to practice professional nursing in the State of Texas on March 24, 1998.

3. Petitioner's license to practice as a professional nurse in the State of Texas is in current status. Petitioner's license to practice as a vocational nurse in the State of Texas is in delinquent status.

4. Petitioner waived notice and hearing, and agreed to the entry of this Agreed Order for KSTAR Program & Eligibility.

5. Petitioner's nursing employment history includes:

01/1998 – 2/1998      Unknown

3/1998 – 06/19990      RN              Bayshore Medical Hospital  
Pasadena, Texas

6/1999 – 11/2004      RN              San Jacinto Methodist Hospital  
Baytown, Texas

11/2004 – 11/2015      RN              The Methodist Hospital  
Houston, Texas

11/2015 – 5/2017      RN              Texas Children's Hospital  
Houston, Texas

6/2017 – Present      Unknown

6. At the time of the initial incident, Petitioner was employed as a registered nurse with Texas Children's Hospital, Dallas, Texas for six (6) months.

7. On or about May 5, 2016, while employed as a Registered Nurse with Texas Children's Hospital, Houston, Texas, Petitioner failed to administer scheduled medications to Patient Medical Record Number 3001862070, as ordered by a physician. Specifically, said patient was to receive Lovenox at 0900; however, Petitioner did not administer the dose until 1616. Petitioner's conduct exposed the patient to a risk of harm in that in that failure to administer medication as ordered by a physician could have resulted in non-efficacious treatment.

8. On or about December 26, 2016, while employed as a Registered Nurse with Texas Children's Hospital, Houston, Texas, Petitioner failed to carry out and notify Telemetry that there was a written Telemetry Order for Patient Medical Record Number 3002034755. Subsequently, the patient was not placed on telemetry monitoring until the following shift. Petitioner's conduct was likely to injure the patient in that significant changes in the patient's status may have gone undetected and prevented a timely intervention.

9. On or about January 27, 2017, while employed as a Registered Nurse with Texas Children's Hospital, Houston, Texas, Petitioner failed to timely administer scheduled medications to Patient Medical Record Number 3001976536, as ordered by a physician. Petitioner's conduct exposed the patient to a risk of harm in that in that failure to administer medications as ordered by a physician could have resulted in non-efficacious treatment.
10. On or about February 23, 2017, while employed as a Registered Nurse with Texas Children's Hospital, Houston, Texas, Petitioner failed to initiate appropriate nursing interventions regarding Patient Medical Number 3002028869, in that she failed to recognize acute de-compensation and escalate care of said patient whose oxygen saturations were at 50% with an alarm sounding. Petitioner's conduct exposed the patient to risk of harm in that significant changes in the patient's status may have gone undetected and prevented a timely intervention and/or delay in escalation of care.
11. On or about April 10, 2017, while employed as a Registered Nurse with Texas Children's Hospital, Houston, Texas, Petitioner failed to administer scheduled oral Ativan to Patient Medical Record Number 3002036166, as ordered by a physician, and instead administered intravenous (IV) Ativan from an as-needed order for anxiety. Petitioner's conduct exposed the patient to a risk of harm in that in that failure to administer medication as ordered by a physician could have resulted in non-efficacious treatment.
12. In response to the incidents in Findings of Fact Numbers Seven (7) through Eleven (11), with regards to the Lovenox, Petitioner states she had to draw a level before she gave the dose; however, the vascular access team did not come on time and that is the reason for the late dose. Petitioner states she was also busy and lost track of time. Regarding the telemetry order, Petitioner states the telemetry order was written later and she did not see it. She states she did not fail to carry out the order, she was very busy and this was an oversight. Regarding failure to administer scheduled medications, Petitioner states the patient left the unit and returned after the scheduled time, hence the late administration. With regard to the patient with low oxygen saturation levels, Petitioner states this patient had a history of low oxygen saturation due to disease process. She states the patient's oxygen would decrease for a moment and return back to baseline. Petitioner states she was at another end of the unit charting when she saw two nurses go in to check on the patient; however, the patient's level had settled so they left with no intervention. Regarding the administration of intravenous Ativan, Petitioner states this patient was having withdrawals and there was an intravenous prn (as needed) Ativan order to give if patient was having withdrawal. She states the patient was placed on oral Ativan the day before, but the dose was not available to give at the time. Petitioner states she let the Nurse Practitioner know, who told her to wait for the oral dose, but she had already given the dose because the patient was having withdrawals.
13. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for licensure.
14. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.

15. 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.
16. 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. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. On or about August 15, 2017, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Section 301.257, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §221.4(a).
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11 (1)(A),(1)(B),(1)(C),(1)(D),(1)(M)&(1)(P) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13), Texas Occupations Code.
5. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
6. The Board may license an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if 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.
7. 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).
8. 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 PETITIONER SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- B. As a result of this Order, PETITIONER'S license(s) will be designated "single state" and PETITIONER may not work outside the State of Texas in another nurse licensure compact party state.

### **II. COMPLIANCE WITH LAW**

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

### **III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PROGRAM**

IT IS AGREED and ORDERED that PETITIONER SHALL, **within one (1) year of the effective date of this Order**, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Program and PETITIONER SHALL:

- A. **Within forty-five (45) days** following the effective date of this Order, apply to and enroll in the KSTAR Program, including payment of any fees and costs, unless otherwise agreed in writing;
- B. Submit to an individualized assessment designed to evaluate PETITIONER'S nursing practice competency and to support a targeted remediation plan;
- C. Follow all requirements within the remediation plan, if any;

- D. Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Program; and
- E. Provide written documentation of successful completion of the KSTAR Program to the attention of Monitoring at the Board's office.

**IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS**

IT IS FURTHER AGREED, SHOULD PETITIONER'S individualized KSTAR Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of PETITIONER'S license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

**V. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from PETITIONER'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, PETITIONER may be eligible for nurse licensure compact privileges, if any.

**VI. APPLICATION FOR ADVANCED PRACTICE REGISTERED NURSE LICENSURE AND PRESCRIPTIVE AUTHORITY**

The petition for licensure as an Advanced Practice Registered Nurse and Prescriptive Authority is **CONDITIONALLY GRANTED** based upon successful completion of all requirements of this ORDER and payment of the required fees and meeting all other applicable requirements. At such time, PETITIONER SHALL be issued

the applicable license to practice as an Advanced Practice Registered Nurse (APRN) in the State of Texas.

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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/petition, 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) and/or nurse licensure compact privileges, if any, 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 by counsel, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 4 day of November, 2019.

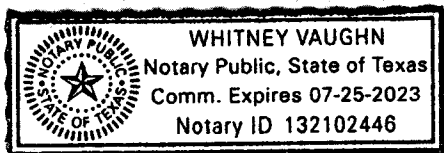
Miranda C Harris

MIRANDA HARRIS, PETITIONER

Sworn to and subscribed before me this 4<sup>th</sup> day of November, 2019.

SEAL

Whitney Vaughn



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 4th day of November, 2019, by MIRANDA HARRIS, Registered Nurse License Number 649811, Vocational Nurse License Number 166047 & PETITIONER for Eligibility for Licensure, and said Agreed Order is final.

Effective this 10th day of December, 2019.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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