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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 618190 §
& Vocational Nurse License Number 148523 §
issued to GWENDOLYN S. HARRIS §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GWENDOLYN S. HARRIS, Registered Nurse License Number 618190, and Vocational Nurse License Number 148523, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 22, 2019.

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 Agreed Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from McLennan Community College, Waco, Texas, on August 18, 1994. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 1, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on September 19, 1994. Respondent was licensed to practice professional nursing in the State of Texas on June 27, 1995.

5. Respondent's nursing employment history includes:

09/1994 – 10/14/1994	Unknown	
11/1994 – 09/2018	RN	Baylor Scott & White Hillcrest Waco, Texas
06/1995 – 2002	RN	Hillcrest Baptist Medical Center Waco, Texas
06/2002 – 12/2004	RN	Waco Gastroenterology Associates Waco, Texas
12/2004 – 04/2005	RN	Mid-Tex Gastroenterology Waco, Texas
11/2014 – 09/2018	RN (IV Access)	Baylor Scott & White Hillcrest Waco, Texas
10/2018 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Baylor Scott & White Medical Center Hillcrest, Waco, Texas and had been in that position for three (3) years and ten (10) months.
7. On or about June 16, 2002, Respondent was granted interim approval to practice as an Acute Care Adult Nurse Practitioner (ACANP) in the State of Texas, was authorized to practice as an ACANP in the State of Texas on August 2, 2002, and was granted prescriptive authority on October 10, 2002. Respondent's authorization to practice as an ACANP in that State of Texas expired on May 10, 2004, after she did not obtain national certification within two (2) years of completing her Acute Care Adult Nurse Practitioner Program.
8. On or about May 11, 2004, through December 17, 2004, Respondent was employed as an Acute Care Adult Nurse Practitioner at Waco Gastroenterology Associates, Waco, Texas, after her authorization to practice as an Advanced Practice Registered Nurse in the State of Texas expired. Respondent's conduct may have misled the public into believing the Respondent's nursing practice was in compliance with all Board Rules and Regulations.
9. On or about September 19, 2018, while employed as a Registered Nurse, at Baylor Scott and White Medical Center-Hillcrest, Respondent failed to confirm the patient's Medical Record Number with the physician when he ordered a peripherally inserted central catheter (PICC) line placement for the patient in Room 1520 and/or failed to question the need for a PICC line when the condition of Patient Medical Record Number 0463407 (Room 1520), did not evidence the emergency described by the physician. As a result, a coworker inserted

a PICC line on the wrong patient, when a PICC line was not medically necessary. Respondent's failure to confirm the correct patient placed the patient at risk of an unwarranted invasive procedure, pain/discomfort, inappropriate medical interventions, and other complications associated with IV lines.

10. On or about September 19, 2018, while employed as a Registered Nurse, at Baylor Scott and White Medical Center-Hillcrest, Respondent did not obtain a second witness for the consent of the PICC line insertion for Patient Medical Record Number 0463407, as required per hospital policy. Respondent's conduct failed to ensure an appropriate witness could verify that the patient understood the procedure, including all risks, and unnecessarily [could have] exposed the patient to risk of harm from a procedure about which the patient might not have been adequately informed.
11. On or about September 19, 2018, while employed as a Registered Nurse, at Baylor Scott and White Medical Center-Hillcrest, Respondent unintentionally, inaccurately documented an order for a PICC line to be inserted on Patient Medical Record Number 0463407(Room1520) that was meant for another patient because she did not confirm the patient's Medical Record Number. Respondent's failure to confirm the patient's Medical Record Number resulted in an incomplete medical record and could have injured the patient in that subsequent care givers would rely on her documentation in order to provide further patient care.
12. In regard to Finding of Fact Number Eight (8), Respondent states that she was unclear about the Board's requirements for authorization to continue working as an Advanced Practice Registered Nurse and in no way intended to run afoul of the Board's rules. In regard to Finding of Fact Number Nine (9), Respondent states she felt she did not need to clarify the order because it had been deemed "a medical emergency" by the physician. In regard to Finding of Fact Number Ten (10), Respondent admits that she did not obtain a second nurse as a witness for the telephone consent because there was no other nurse available at the time of the call. Respondent states she believed that she was acting in the patient's best interest since the physician had stated to her that it was a medical emergency. In regard to Finding of Fact Number Eleven (11), Respondent states she documented the telephone order for the PICC line insertion for the patient in room 1520, as stated by the physician, and that she read the order and room number back to him per protocol, which he confirmed.

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),(1)(N)and(1)(P) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(C) and (4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 618190, and Vocational Nurse License Number 148523, heretofore issued to GWENDOLYN S. HARRIS.
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 **REPRIMAND 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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT 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, 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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 and video programs will not be approved.
- B. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

- C. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- D. **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.*

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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) 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. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT SHALL be directly 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. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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.
- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, 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 of 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 completed by the individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'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, 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 Order. 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 18th day of March, 2021.
Gwendolyn S. Harris
GWENDOLYN S. HARRIS, RESPONDENT

Sworn to and subscribed before me this _____ day of _____, 20____

SEAL

Notary Public in and for the State of _____

Approved as to form and substance.

Elisabeth Smith
Elisabeth Smith, Attorney for Respondent

Signed this 18th day of March, 2021

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 18th day of March, 2021, by GWENDOLYN S. HARRIS, Registered Nurse License Number 618190, and Vocational Nurse License Number 148523, and said Agreed Order is final.

Effective this 22nd day of April, 2021.



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