

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 645798	§	FOR
issued to CHERYL LYNN HARVILL	§	KSTAR PROGRAM
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CHERYL LYNN HARVILL, Registered Nurse License Number 645798, 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 for KSTAR Program approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 18, 2020.

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 for KSTAR Program.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Diploma in Nursing from Confederation College, Thunder Bay, Ontario, Canada, on June 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on October 7, 1997.
5. Respondent's nursing employment history includes:

10/1997 – 11/2006	Registered Nurse	Pampa Regional Medical Center Pampa, Texas
11/2006-11/2007	Registered Nurse	Coronado Healthcare Center Pampa, Texas
12/2007- 2/2008	Unknown	
3/2008-6/2010	Registered Nurse	Shepard's Crook Home Health Pampa, Texas
7/2010- 8/2010	Unknown	
9/2010- 7/2012	Registered Nurse	Clarendon College Pampa, Texas
5/2012-1/2015	Registered Nurse	Shepard's Crook Home Health Pampa, Texas
2/2015-Present	Registered Nurse	Pampa Regional Medical Center Pampa, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Pampa Regional Medical Center, Pampa, Texas, and had been in that position for three (3) years and ten (10) months.
7. On or about December 27, 2019, while working as a Registered Nurse and employed with Pampa Regional Medical Center, Pampa, Texas, Respondent incorrectly ordered a partial thromboplastin time (PTT) lab draw for Patient MH when the patient did not need the lab drawn. Subsequently, the patient underwent having her blood drawn unnecessarily. Respondent's conduct may have caused the patient to suffer from a blood draw without need or cause.
8. On or about December 27, 2019, while working as a Registered Nurse and employed with Pampa Regional Medical Center, Pampa, Texas, Respondent incorrectly adjusted the infusion rate of heparin being administered to Patient LC, using a lab result from another patient. Specifically, Respondent and another nurse based the adjustment of the heparin infusion using the partial thromboplastin time (PTT) lab result of the other patient, who was not receiving a heparin drip. Additionally, Respondent failed to notify the physician of the error. Subsequently, the error was noted by the oncoming nurse and the patient went the entire night without receiving the correct heparin dose. Respondent's conduct was likely to injure the patient from adverse reactions to medication titrated using the incorrect laboratory value.

9. In response to the incidents in Finding of Fact Numbers Seven (7) and Eight (8), Respondent states that she was asked by another nurse to put in a partial thromboplastin time (PTT) for her patient on Heparin. Respondent states that she put in the order to be drawn six (6) hours from that time. Respondent states that six (6) hours later the lab sheet was picked up off the printer and she went into the room with the other nurse, who pulled the patient up on the computer. Respondent states that they both looked at the paper results and adjusted the heparin according to the lab draw and per protocol. Respondent states that they followed the five (5) rights for medication administration and a new lab draw was placed in the computer per protocol. Respondent states that this was the only patient on heparin on the unit. Respondent states that in the morning she gave report to the oncoming charge nurse and clocked out with the end of her shift. Respondent states that as she was walking out, the day charge nurse informed her that the lab draw for heparin was drawn on the wrong patient. Respondent states that she and the other nurse were both present. Respondent states that she asked the other nurse to call the physician and Respondent went and checked on the patient. Respondent states that she then came back to the desk and put in a new order for a PTT lab draw on the correct patient.
10. Formal Charges were filed on October 29, 2020.

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 §217.11(1)(A),(1)(B),(1)(C),(1)(M),(1)(P)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(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 645798, heretofore issued to CHERYL LYNN HARVILL.
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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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 for KSTAR Program.

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

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

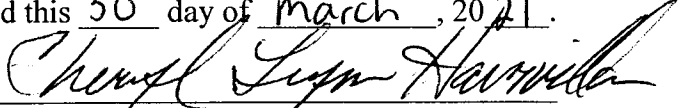
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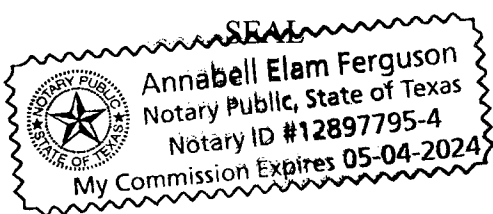
RESPONDENT'S CERTIFICATION

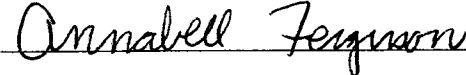
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 30 day of March, 2021.


CHERYL LYNN HARVILL, RESPONDENT

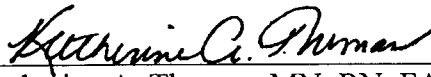
Sworn to and subscribed before me this 30 day of March, 2021.




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 for KSTAR Program that was signed on the 30th day of March, 2021, by CHERYL LYNN HARVILL, Registered Nurse License Number 645798, and said Agreed Order for KSTAR Program is final.

Effective this 11th day of May, 2021.

A handwritten signature in cursive script, reading "Katherine A. Thomas", is written over a horizontal line.

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