



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 § ELIGIBILITY AGREED ORDER
KIMBER LEIGH HARRIS, § FOR
Vocational Nurse License Number 337599, § REACTIVATION OF LICENSE
APPLICANT for Reactivation of License §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the LVN Reactivation Application and supporting documents filed by KIMBER LEIGH HARRIS, hereinafter referred to as Applicant, requesting a determination of eligibility for licensure reactivation in compliance with Sections 301.252, 301.257 and 301.260, Texas Occupations Code, together with any documents and information gathered by staff and Applicant's Certification contained herein.

Information received by the Board produced evidence that Applicant may be ineligible for licensure reactivation pursuant to Sections 301.452(b)(10)&(13)[*eff. through 8/31/2021*] and 301.453, Texas Occupations Code.

Applicant waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 9, 2022.

FINDINGS OF FACT

1. Applicant waived notice and hearing, and agreed to the entry of this Agreed Order.
2. Applicant received a Certificate in Vocational Nursing from Panola College, Carthage, Texas, on May 9, 2017. Applicant was licensed to practice vocational nursing in the State of Texas on May 25, 2017.
3. Applicant's license to practice as a vocational nurse in the State of Texas is in inactive status.
4. On or about August 18, 2020, Applicant was issued the sanction of Warning with Stipulations and the license(s) placed in inactive status through an Order of the Board. A

copy of the August 18, 2020, Order is attached and incorporated herein by reference as part of this Agreed Order.

5. On or about August 15, 2022, Applicant submitted the Application requesting a determination of eligibility for licensure reactivation.
6. The Executive Director considered evidence of Applicant's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Applicant currently demonstrates the criteria required for licensure.
7. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
8. Applicant 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.
9. Applicant 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, 2022, Applicant submitted the Application requesting a determination of eligibility for licensure reactivation.
3. Applicant's history reflects conduct which may constitute grounds for denial of license reactivation under Section 301.452(b)(10)&(13)[*eff. through 8/31/2021*], Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. 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.

6. This Order is conditioned upon the accuracy and completeness of Applicant's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Applicant's license(s).
7. 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. REACTIVATION OF LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the Application of KIMBER LEIGH HARRIS for Reactivation of License to practice nursing in the State of Texas be **GRANTED**, contingent upon APPLICANT meeting the following requirements:

- A. Until successfully completed, this Order SHALL apply to any and all future licenses issued to APPLICANT to practice nursing in the State of Texas.
- B. Until successfully completed, this Order SHALL be applicable to APPLICANT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, APPLICANT'S license(s) will be designated "single state" as applicable and APPLICANT 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, APPLICANT 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 Eligibility Agreed Order for Reactivation of License.

III. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Order SHALL supersede all previous stipulations required by any Order entered by

the Texas Board of Nursing.

IV. **REMEDIAL EDUCATION COURSE(S)**

In addition to any continuing education requirements the Board may require for licensure renewal, APPLICANT 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 medication administration** 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: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. 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 APPLICANT 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 "Righting a Wrong,"** a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

In order to receive credit for completion of this/these course(s), APPLICANT 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. APPLICANT 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. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, APPLICANT 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:** APPLICANT 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, APPLICANT 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:** APPLICANT 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. APPLICANT 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. **Indirect Supervision:** APPLICANT 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 APPLICANT, 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 APPLICANT is currently working. APPLICANT SHALL work only regularly assigned, identified and predetermined unit(s). APPLICANT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. APPLICANT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

D. **Nursing Performance Evaluations:** APPLICANT SHALL CAUSE each employer to submit, on forms provided to the APPLICANT by the Board, periodic reports as to APPLICANT'S capability to practice nursing. These reports shall be completed by the individual who supervises the APPLICANT 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 four (4) quarters [one (1) year] of employment as a nurse.

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

Upon full compliance with the terms of this Eligibility Agreed Order for Reactivation of License, all encumbrances will be removed from APPLICANT'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, APPLICANT may be eligible for nurse licensure compact privileges, if any.

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APPLICANT'S CERTIFICATION

I understand this Order is conditioned upon the accuracy and completeness of my application and disclosures. I further understand that subsequently discovered discrepancies in my application and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

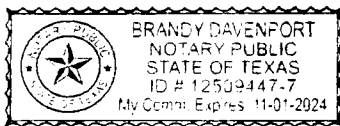
I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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.

Signed this 10 day of April, 2023.

Kimber Leigh Harris
KIMBER LEIGH HARRIS, APPLICANT

Sworn to and subscribed before me this 10 day of April, 2023.

SEAL



Brandy Davenport
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Eligibility Agreed Order for Reactivation of License that was signed on the 10th day of April, 2023, by KIMBER LEIGH HARRIS, Vocational Nurse License Number 337599, APPLICANT for Reactivation of License, and said Eligibility Agreed Order for Reactivation of License is final.

Effective this 9th day of May, 2023.



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



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
Vocational Nurse License Number 337599
issued to KIMBER LEIGH HARRIS

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBER LEIGH HARRIS, Vocational Nurse License Number 337599, 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 February 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.
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 Panola College, Carthage, Texas, on May 9, 2017. Respondent was licensed to practice vocational nursing in the State of Texas on May 25, 2017.
5. Respondent's nursing employment history includes:

5/2017 – 12/2017	Licensed Vocational Nurse	First in Pediatrics Jefferson, Texas
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Respondent's nursing employment history continued:

12/2017-Unknown	Licensed Vocational Nurse	Super Hero Kids Home Health McAllen, Texas
4/2019-Present	Licensed Vocational Nurse	Thrive Skilled Pediatric Care Tyler, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Thrive Skilled Pediatric Care, Tyler, Texas, and had been in that position for one (1) month.
7. On or about April 19, 2019, through May 12, 2019, while employed as a Licensed Vocational Nurse with Thrive Skilled Pediatric Care, Tyler, Texas, Respondent failed to clarify an order for Clonidine on multiple occasions for Patient BB. Specifically, the order stated to administer Clonidine 0.1 milligram tablet every night at bedtime for agitation and inability to fall asleep. Respondent held the regularly scheduled medication when the patient did not have trouble with agitation and sleep, without notifying the physician and requesting a change in the ordered daily dose. Additionally, Respondent failed to adequately document holding Clonidine, including rationale and signs and symptoms the patient was exhibiting. Respondent's conduct resulted in an incomplete medical record and exposed the patient to a risk of harm in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment of the patient's condition.
8. On or about May 12, 2019, while employed as a Licensed Vocational Nurse with Thrive Skilled Pediatric Care, Tyler, Texas, Respondent exceeded her scope of practice and inappropriately removed the peripherally inserted central catheter (PICC) line of Patient BB. Respondent's conduct unnecessarily exposed the patient to risk of complications.
9. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she attended Onboarding training, but that she did not receive any clinical training nor clinical policies. Respondent states that after the incident, she completed the full onboarding training. Respondent states that the nurses and the patient's mother called Thrive numerous times to have them contact the physician to change the order but it was not changed. Respondent states that she was instructed to contact the agency instead of contacting the physician directly. In response to the incident in Finding of Fact Number Eight (8), Respondent states that she attended PICC line training. Respondent states that no one at Thrive PICC line training instructed her that the PICC line can only be removed by a Registered Nurse (RN), and the employer policy was not provided to them. Respondent states that she was not aware of the Texas Board of Nursing position statement regarding removal of PICC lines. Respondent states that after the Thrive training she returned to the hospital and the hospital vascular nurses trained her on the on the PICC line. Respondent states that she was trained on how to remove the PICC line, complications that could occur, and Respondent was instructed that the order was for removal in ten days.

Respondent states that the physician's order for the removal included the same information and did not state that a RN was required to remove the PICC line. Respondent states that the Thrive RN assigned to the patient also assessed the client for resumption of home care and did not state that she would return to remove this line. Respondent states that when the antibiotics finished after ten days, Respondent removed the PICC line during the night shift. Respondent states that the mistake was inadvertent and there was no patient harm. Respondent states that she has learned for the incident.

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)(G),(1)(N),(1)(P)&(2)(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 Vocational Nurse License Number 337599, heretofore issued to KIMBER LEIGH 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 **WARNING WITH STIPULATIONS** and RESPONDENT'S license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a

minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

Until such time that RESPONDENT'S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

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RESPONDENT'S CERTIFICATION

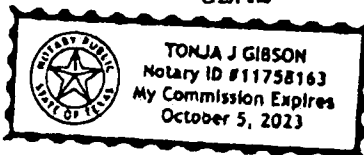
I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action 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. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this 29th day of June, 2020.

Kimberle Harris
KIMBER LEIGH HARRIS, RESPONDENT

Sworn to and subscribed before me this 29th day of June, 2020.

SEAL



Tonja J. Gibson
Notary Public in and for the State of Texas

Approved as to form and substance.

Leanna Marchand
Leanna Marchand, Attorney for Respondent

Signed this 30th day of June, 2020.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of June, 2020, by KIMBER LEIGH HARRIS, Vocational Nurse License Number 337599, and said Agreed Order is final.

Effective this 18th day of August, 2020.



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