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Katherine A. Thomas, MN, RN, FAAN
Executive Director
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 954880 §
& Vocational Nurse License Number 227392 §
issued to BAILLIE ELIZABETH TERRY §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, consider the matter of BAILLIE ELIZABETH TERRY, Registered Nurse License Number 954880, and Vocational Nurse License Number 227392, 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)(9),(10),(12),(13)(effective through 8/31/21) &(14)(effective 9/1/21), 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 June 29, 2023.

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 current status.
4. Respondent received a Certificate in Vocational Nursing from Western Texas College, Snyder, Texas, on February 25, 2010. Respondent received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on August 16, 2018. Respondent was licensed to practice vocational nursing in the State of Texas on March 16, 2010. Respondent was licensed to practice professional nursing in the State of Texas on October 8, 2018.

5. Respondent's nursing employment history includes:

3/2010 – 5/2015	LVN	Mitchell County Hospital Colorado City, Texas
6/2015 – 9/2018	Unknown	
10/2018 – 12/2018	RN	Methodist Hospitals San Antonio, Texas
1/2018 – 5/2019	RN	Hilltop Village Nursing and Rehabilitation Kerrville, Texas
6/2019 – 5/2020	RN	Peterson Regional Medical Center Kerrville, Texas
6/2020 – 11/2020	RN	Baptist Health System San Antonio, Texas
12/2020 – 2/2021	Unknown	
3/2021 – 6/2021	RN	Hill Country Memorial Fredericksburg, Texas
7/2021	Unknown	
8/2021- 11/2021	RN	Baylor Scott & White Medical Center Marble Falls, Texas
12/2022 – 10/2022	Unknown	
1/2022 – 11/2022	RN	St. David's South Austin Medical Center Austin, Texas
12/2022 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Hilltop Village Nursing and Rehabilitation, Kerrville, Texas, and had been in that position for three (3) months.

7. On or about April 10, 2019, through April 28, 2019, while employed as a Registered Nurse (RN) with Hilltop Village Nursing and Rehabilitation, Kerrville, Texas, Respondent signed out Norco and Tramadol on the narcotic count sheets for Patient Numbers 2016801 [CS], 2015218 [DB], 2013181 [OS], and 2016861 [JF] but failed to document the administration of the medication on the Medication Administration Records (MARs) of the patients. Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about April 10, 2019, through April 28, 2019, while employed as a Registered Nurse (RN) with Hilltop Village Nursing and Rehabilitation, Kerrville, Texas, Respondent misappropriated Norco and Tramadol from the facility and patients thereof or failed to take precautions to prevent misappropriation. Respondent's conduct was likely to defraud the patient of the cost of the medications.
9. On or about May 2020, while employed with Peterson Health, Kerrville, Texas Respondent misappropriated medications including Hydrocodone belonging to the facility and the patients thereof. Additionally, when questioned, Respondent admitted to diverting the medication for her husband who "has a problem". Respondent's conduct was likely to defraud the patient of the cost of the medications. Furthermore, unlawful possession of Hydrocodone is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
10. On or about October 24, 2020, through November 1, 2020, while employed with Baptist Health System, San Antonio, Respondent withdrew Norco and administered in excess frequency of the physician's order to Patient CP, Patient CB and Patient MR. Respondent's conduct was likely to injure the patient in that the administration of Norco in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
11. On or about May 28, 2021, while employed with Hill Country Memorial Hospital, Fredericksburg, Texas, Respondent inappropriately logged into the medication dispensing system (Omniceil) under the profile of patient VK, who was not assigned to her, and gained access to the Gabapentin medication bin. According to the Omnicell log Respondent did not document removing any medication but when the nurse assigned to patient VK went to get Gabapentin for the patient, the bin was completely empty. Respondent's conduct was deceptive and created an inaccurate inventory.
12. On or about November 21, 2021, through November 22, 2021, while employed with AYA Healthcare and assigned to Baylor Scott & White Medical Center, Marble Falls, Texas, Respondent misappropriated Normal Saline IV bag (with blue cover on med port indicating it had controlled substance added by pharmacy), blister packs of escitalopram 10mg and citalopram 10mg, empty syringes with needles and a vial of ondansetron in that they were

all found in her personal belongings. Respondent's conduct was likely to defraud the patient of the cost of the medications.

13. On or about November 21, 2021, through November 22, 2021, while employed with AYA Healthcare and assigned to Baylor Scott & White Medical Center, Marble Falls, Texas, Respondent engaged in the intemperate use of Fentanyl in that Respondent submitted a specimen for a for-cause drug screen that resulted positive for Fentanyl and Norfentanyl. Unlawful possession of Fentanyl is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code. The use of Fentanyl by a Registered Nurse while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
14. On or about December 15, 2022, while employed with and working her first orientation shift at St. David's South Austin Medical Center, Austin, Texas, Respondent lacked fitness to practice professional nursing in that she experienced a seizure during her shift. While staff were tending to her, track marks on both arms were seen. Subsequently, Kratom and a syringe of yellow liquid that Respondent identified as urine was discovered in her belongings. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
15. In response to Findings of Fact Number Seven (7) and Eight (8), Respondent denies and states she feels that the investigation was rushed and not thorough or fair and that she was a convenient person to blame for an ongoing drug diversion issue that they wanted resolved since they were expecting yearly state survey that same month. In response to Finding of Fact Number Nine (9), Respondent states she never stated she took meds for herself or anyone else, but she had confided in her unit manager that her husband (now ex) had a problem.
16. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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)(C)&(1)(D),(1)(T)&(3) and 22 Tex. Admin. Code 217.12(1)(A), (1)(B), (1)(E),(4),(5),(6)(G),(6)(H),(10)(A),(10)(D),(10)(E)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b) (9),(10),(12),(13)(effective through 8/31/21) and (14)(effective 9/1/21), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 954880, and Vocational Nurse License Number 227392, heretofore issued to BAILLIE ELIZABETH TERRY.
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.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that Registered Nurse License Number 954880, and Vocational Nurse License Number 227392, previously issued to BAILLIE ELIZABETH TERRY, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. **Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse;**
- B. Is **cleared to safely practice as a nurse** based on a fitness evaluation, as may be required by TPAPN; and
- C. **Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.**

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully

complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL submit an application for licensure renewal/reactivation, as applicable, and pay all re-registration fees, if any, and RESPONDENT'S licensure status in the State of Texas will be activated and updated to current status and to reflect the applicable conditions outlined herein.
- E. RESPONDENT SHALL **comply with all requirements of the TPAPN participation agreement** during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to **notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.**
- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- I. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- J. 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.

III. 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 suspension being stayed, unless otherwise specifically indicated:**

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.

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.*

IV. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

V. 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

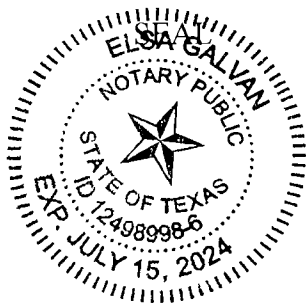
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or 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 10 day of Oct, 2023.

Baillie Terry
BAILLIE ELIZABETH TERRY, RESPONDENT

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

[Signature]
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of October, 2023, by BAILLIE ELIZABETH TERRY, Registered Nurse License Number 954880, and Vocational Nurse License Number 227392, and said Agreed Order is final.

Effective this 13th day of October, 2023.

Kristin K. Benton, DNP, RN

Kristin K. Benton, DNP, RN
Executive Director on behalf
of said Board