BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 255291	§	
issued to DEBORAH SUE HARBIN	§	ORDER

TEXAS BOARD OF NURSING
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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of DEBORAH SUE HARBIN, Registered Nurse License Number 255 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from Odessa College, Odessa, Texas, on May 1, 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 8, 1981.

5. Respondent's professional nursing employment history includes:

9/81 - 7/85	Charge Nurse	Midland Memorial Hospital Midland, Texas
8/85 - 4/87	Charge Nurse	Methodist Hospital Lubbock, Texas
5/87 - 8/87	Unknown	
9/87 - 7/98	Charge Nurse	Central Texas Medical Center San Marcos, Texas
8/98 - 6/93	Clinical Nurse III	Baylor University Medical Center Dallas, Texas
7/93 - 10/98	Case Manager/Educator	Baylor Homecare Dallas, Texas
11/98 - 6/00	Staff Nurse	Presbyterian Hospital Dallas, Texas
7/00 - 1/02	Unknown	
2/02 - 3/02	Staff Nurse	West Texas Medical Center Richmond, Texas
4/02 - 12/02	Staff Nurse	St. Catherine Hospital Katy, Texas
1/03 - 3/03	Unknown	
4/03 - 8/04	Agency Nurse	Premier Staffing Houston, Texas
9/04 - 9/04	Unknown	
10/04 - 11/04	Staff Nurse	Cypress Fairbanks Medical Center Houston, Texas

Respondent's professional nursing employment history continued:

Unknown - 9/05	Staff Nurse	St. Luke's Hospital Houston, Texas
10/05 - 12/05	Staff Nurse	Methodist Healthcare System Houston, Texas
1/06 - 2/08	Unknown	
3/08	PRN Nurse	HealthSouth Humble, Texas
4/08 - 8/08	Unknown	
9/08 - 11/08	Staff Nurse	Park Manor Tomball, Texas
12/08 - 9/09	Staff Nurse	Llano Memorial Hospital Llano, Texas
10/09 - present	Staff Nurse	Heart of Texas Memorial Hospital Brady, Texas

6. On or about June 1, 2009, while making application for employment as a Registered Nurse with Shannon Medical Center, San Angelo, Texas, Respondent presented a falsified application in which she failed to disclose her employment history with Cypress Fairbanks Medical Center, Houston, Texas. Respondent's conduct was likely to deceive the facility and could have affected their decision to employ Respondent.

7. In response to Finding of Fact Number Six (6) Respondent states that the on-line application for employment only allowed so much room to list employers, so she listed employers where she had worked for more than just a short period of time.

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 a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(H) and (I).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 255291, heretofore issued to DEBORAH SUE HARBIN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty ($250.00) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(2) RESPONDENT SHALL, within one (1) year of entry of this, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

NOTARY PUBLIC STATE OF TEXAS
Judy Ann Trosper
My Commission Expires
01/19/2014

Signed this 13 day of August, 20 10

Deborah Sue Harbin

DEBORAH SUE HARBIN, Respondent

Sworn to and subscribed before me this 13 day of Aug, 20 10.

SEAL

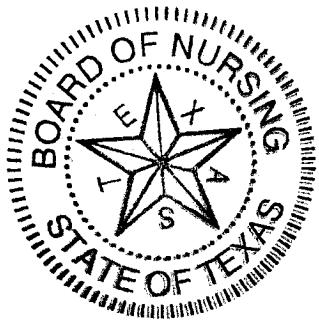
Judy Tro

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 13th day of August, 2010, by DEBORAH SUE HARBIN, Registered Nurse License Number 255291, and said Order is final.

Effective this 14th day of September, 2010.

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



BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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In the Matter of Registered Nurse License Number 255291	§	AGREED
issued to DEBORAH SUE HARBIN	§	ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that DEBORAH SUE HARBIN, hereinafter referred to as Respondent, Registered Nurse License Number 255291, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on October 26, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Robin L. Sowell, Attorney at Law. In attendance were Mary Beth Thomas, MSN, RN, Director of Nursing, Executive Director's Designee; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Peggy Penn, RN, M.Ed., Nurse Consultant; Mary Lynn Adams, RN, BSN, Investigator; and Kim L. Williamson, RN, Investigator.

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.

2. Respondent waived notice and hearing, and consented to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from Odessa College, Odessa, Texas, on May 1, 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 8, 1981.

5. Respondent's professional nursing employment history includes:

9/81 to 8/85	RN, Charge Nurse Midland Memorial Hospital Midland, Texas
8/85 to 4/87	RN, Charge Nurse Methodist Hospital Lubbock, Texas
5/87 to 8/87	Unknown
9/87 to 8/98	RN, Charge Nurse Central Texas Medical Center San Marcos, Texas
8/98 to 7/93	RN, Clinical Nurse III Baylor University Medical Center Dallas, Texas
7/93 to 11/98	RN, Case Manager/Educator Baylor Homecare Dallas, Texas
11/98 to 6/00	RN Presbyterian Hospital of Dallas Dallas, Texas
7/00 to 1/02	Unknown
2/02 to 4/02	RN West Texas Medical Center Richmond, Texas
4/02 to 12/02	RN, Staff Nurse St. Catherine Hospital Katy, Texas
1/03 to 3/03	Unknown
4/03 to 8/04	RN, Staff Nurse/Premier Staffing Memorial Hermann Healthcare System Houston, Texas
9/04 to 10/3/04	Unknown
10/4/04 to 11/19/04	RN, Staff Nurse Cypress Fairbanks Medical Center Houston, Texas

Respondent's professional nursing employment history continued:

Unknown to 2005	RN St. Luke's Hospital Houston, Texas
10/05 to 12/05	RN Methodist Healthcare System Houston, Texas
11/05 to 10/1/06	Unknown
10/2/06 to Present	RN, Field Nurse, as needed Heartland Home Health Houston, Texas
10/25/06 to Present	RN Omni Home Care Houston, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Cypress Fairbanks Medical Center, Houston, Texas, and had been in this position for one (1) month.

7. On or about November 4, 2004, while employed with Cypress Fairbanks Medical Center, Houston, Texas, Respondent failed to timely administer the 10:00 a.m. dose of intravenous Cipro, an antibiotic, to Patient Medical Record Number 000385486. Respondent also failed to notify her supervisor that the medication was not administered prior to Respondent leaving the unit. Respondent administered the Cipro late, at 11:00 a.m., but failed to document the reason for the delay administering the medication. Respondent's conduct was likely to injure the patient from non-efficacious treatment in that subsequent caregivers would have relied on her documentation while providing further care to the patient.

8. On or about November 5, 2004, while employed with Cypress Fairbanks Medical Center, Houston, Texas, Respondent left the unit and her assigned patients, and went to her car without notifying her supervisor. Respondent's conduct was likely to injure patients from failure of their assigned nurse being readily available to provide nursing care and interventions as needed and as ordered.

9. On or about November 19, 2004, while employed with Cypress Fairbanks Medical Center, Houston, Texas, Respondent failed to notify her supervisor when she again left the unit. There was a "Code Blue" in progress at the time, and although the patient involved was not assigned to Respondent's care, Respondent was responsible for monitoring the patients of those nurses involved in the "Code Blue." Respondent's conduct was likely to injure patients in that nursing care and/or other interventions might not have been available when needed.

10. On or about October 2006, Respondent submitted a resume to be considered to gain employment with Heartland Home Health, Houston, Texas, and with Omni Home Care, Houston, Texas. However, the resume Respondent submitted did not included employment history for the following:

- Cypress Fairbanks Medical Center, Houston, Texas; and
- St. Luke's Hospital, Houston, Texas.

Respondent admitted that she did not want to include Cypress Fairbanks Medical Center, Houston, Texas; as she was concerned that they would not provide a positive evaluation of her employment. Respondent's conduct was deceptive and may have influenced the facilities' decisions regarding her employment as a nurse.

11. In response to the event in Finding of Fact Number Seven (7), Respondent states there was a reason that she did not administer the Cipro at 10:00 and it was her usual practice to document the reasons that medications are not administered when due; however, in this case, she did not document the reasons for the delay. In response to the event in Finding of Fact Number Eight (8), Respondent admits she was off the unit for too long of a time; however, Respondent was experiencing family discord at the time. In response to the incident in Finding of Fact Number Nine (9), Respondent states she remained at the desk during the "Code Blue" and stayed on the unit until the physician arrived to pronounce the patient deceased. In response to the incident in Finding of Fact Number Ten (10), Respondent states that she did not know she had to list all employers.

12. Per Ms. Sowell, Attorney for Respondent, "The Board finds that there were mitigating factors associated with the facts and conduct in this matter. Respondent was experiencing family discord and conflict with same now having been resolved."

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(D)&(1)(I) and 217.12(1)(A)&(6)(H).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 255291, heretofore issued to DEBORAH SUE HARBIN, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq*., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.01 *et seq*. and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to DEBORAH SUE HARBIN, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be

approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: 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. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars ($250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(6) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(8) RESPONDENT SHALL be supervised by a Registered 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 immediately available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years 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.

(9) RESPONDENT SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(10) 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 professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1st day of March, 2007.

Deborah Sue Harbin

DEBORAH SUE HARBIN, Respondent

Sworn to and subscribed before me this 1st day of March, 2007.

Samantha Atwood

Notary Public in and for the State of Texas

SEAL

SAMANTHA ATWOOD
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES
MAY 14, 2008

Approved as to form and substance.

Robin L. Sowell

Robin L. Sowell, Attorney for Respondent

Signed this 1st day of March, 2007.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 1st day of March, 2007, by DEBORAH SUE HARBIN, Registered Nurse License Number 255291, and said Order is final.

Effective this 20th day of March, 2007.

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