



Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bne.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

October 19, 2007

Via CMRRR # 7007 0710 0002 0001

Kelli Deann Harris
1719 Harris Street
Gainesville, Texas 76240

NOTICE OF HEARING

RE: IN THE MATTER OF PERMANENT CERTIFICATE NUMBER 173419
ISSUED TO: KELLI DEANN HARRIS

Dear Ms. Harris:

Your case is scheduled to be heard before the Board of Nurse Examiners at a Committee Meeting on Tuesday, November 13, 2007, at 8:30 a.m., at 333 Guadalupe, Suite 3-460, Austin, Texas, 78701. At this time, pursuant to BNE Rule 213.16, your failure to respond to the allegation(s) of violation(s) of the Nurse Practice Act and to the Formal Charges filed pursuant to BNE Rule 213.15, has resulted in the allegations against you that are set out in the Formal Charges being deemed as true. In addition, your opportunity for hearing on the formal charges shall be deemed to have been waived. The relief sought in this notice of hearing will be granted by default.

Pursuant to the Texas Occupations Code §301.453, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board.

Staff has completed a Default Order recommending the sanction of revocation which will be presented to the Board for consideration at its next regularly scheduled business meeting on Tuesday, November 13, 2007, at 8:30 a.m., at 333 Guadalupe, Suite 3-460, Austin, Texas, 78701. **FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.**

After the Board meets, you will receive formal notification of the decision. Please contact Elise Dunham, Investigator, at (512) 305-6835 should you have any questions regarding this matter.

Sincerely,

Elise Dunham
Investigator

Enclosures: Formal Charges with Attachments

Members of the Board

Joyce Adams, PhD, RN Houston	Deborah Bell, CLU, ChFC Abilene	George Buchenau, Jr., BSN, RN, MBA Amarillo	Virginia Campbell, BSN, RN, CNOR Mesquite	Blanca Rosa Garcia, PhD, RN Corpus Christi
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TEXAS BOARD OF NURSING

Executive Director of the Board
Katherine A. Thomas

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.

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City, State, ZIP+4 Gainesville

PS Form 3800, August 2006

In the Matter of Vocational Nurse License § **BEFORE THE BOARD**
Number 173419, Issued to § **OF NURSE EXAMINERS**
KELLI DEANN HARRIS, Respondent § **FOR THE STATE OF TEXAS**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KELLI DEANN HARRIS, is a Vocational Nurse holding license number 173419, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about January 8, 2007, through January 22, 2007, while employed with North Texas Medical Center, Gainesville, Texas, Respondent withdrew Demerol, Morphine, and Percocet from the Omnicel Medication Dispensing Machine for patients, but failed to follow the policy and procedure for the wastage of unused portions of the medication as follows:

Date/ Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage	Additional Information
1/8/07 8:14 A	501740	Morphine 4mg Inj	Patient was discharged on 12/20/06				
1/8/07 3:13 P	501740	Morphine 4mg Inj					
1/9/07 7:45 A	501740	Percocet TAB					
1/9/07 10:34 A	501740	Morphine 4mg Inj					
1/9/07 2:22 P	501740	Morphine 4mg Inj					
1/9/07 5:01 P	501740	Percocet TAB					
1/16/07 7:49 A	513324	Demerol 50mg Inj	Demerol 50mg IV Q 3-4 hrs prn	NO	NO	NO	
1/16/07 2:06 P	513324	Demerol 50mg Inj	Demerol 50mg IV Q 3-4hrs prn	NO	NO	2:12 W 0	Wastage shows wasted 0

1/17/07 8:15 A	513680	Percocet Tab	Percocet tab (1) PO Q 3hrs PRN pain	NO	NO	NO	
1/17/07 9:11 A	513324	Demerol 50mg	Demerol 50mg IV Q 3-4 hrs prn	NO	NO	NO	
1/22/07 8:25 A	513777	Demerol 50mg Inj	Demerol 25mg IV Q 4hrs PRN	NO	NO	NO	
1/22/07 8:41 A	513777	Demerol 100mg Inj	Demerol 25mg IV Q 4hrs PRN	NO	NO	8:42	Wastage shows 0 was wasted
1/22/07 11:05A	513777	Demerol 100mg Inj	Demerol 25mg IV Q 4hrs PRN	NO	NO	NO	

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A), and 22 TEX. ADMIN. CODE §217.12(1)(B),(10)(C)&(11)(B).

CHARGE II.

On or about January 8, 2007, through January 22, 2007, while employed with North Texas Medical Center, Gainesville, Texas, Respondent withdrew Demerol, Morphine, and Percocet from the Omnicel Medication Dispensing System for patients, but failed to completely and accurately document the administration of the medication in the patients' Medication Administration Records (MARs), Nurses Notes, or both as follows:

Date/ Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage	Additional Information
1/8/07 8:14 A	501740	Morphine 4mg Inj					Patient was discharged on 12/20/06
1/8/07 3:13 P	501740	Morphine 4mg Inj					
1/9/07 7:45 A	501740	Percocet TAB					
1/9/07 10:34 A	501740	Morphine 4mg Inj					
1/9/07 2:22 P	501740	Morphine 4mg Inj					
1/9/07 5:01 P	501740	Percocet TAB					

1/16/07 7:49 A	513324	Demerol 50mg Inj	Demerol 50mg IV Q 304 hrs prn	NO	NO	NO	
1/16/07 2:06 P	513324	Demerol 50mg Inj	Demerol 50mg IV Q 3-4hrs prn	NO	NO	2:12 W 0	Wastage shows wasted 0
1/17/07 8:15 A	513680	Percocet Tab	Percocet tab (1) PO Q 3hrs PRN pain	NO	NO	NO	
1/17/07 9:11 A	513324	Demerol 50mg	Demerol 50mg IV Q 3-4 hrs prn	NO	NO	NO	
1/22/07 7:18 A	513777	Demerol 50mg Inj	Demerol 25mg IV Q 4hrs PRN	NO	NO	7:56 A W 25	Pulled by Resp. But C. Moore logged on to waste and Resp witnessed
1/22/07 8:25 A	513777	Demerol 50mg Inj	Demerol 25mg IV Q 4hrs PRN	NO	NO	NO	
1/22/07 8:41 A	513777	Demerol 100mg Inj	Demerol 25mg IV Q 4hrs PRN	NO	NO	8:42 W 0	Wastage shows 0 was wasted
1/22/07 11:05A	513777	Demerol 100mg Inj	Demerol 25mg IV Q 4hrs PRN	NO	NO	NO	

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(10)(B)&(11)(B).

CHARGE III.

On or about January 22, 2007, while employed with North Texas Medical Center, Gainesville, Texas, Respondent withdrew and/or administered Demerol to Patient Medical Record Number 513777 in excess frequency and/or dosage of the physician's order as follows:

Date/ Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage	Additional Information
1/22/07 8:25 A	513777	Demerol 50mg Inj	Demerol 25mg IV Q 4hrs PRN	NO	NO	NO	
1/22/07 8:41 A	513777	Demerol 100mg Inj	Demerol 25mg IV Q 4hrs PRN	NO	NO	8:42 W 0	Wastage shows 0 was wasted
1/22/07 11:05A	513777	Demerol 100mg Inj	Demerol 25mg IV Q 4hrs PRN	NO	NO	NO	

Respondent's conduct was likely to injure the patient in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(C), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).

CHARGE IV.

On or about January 22, 2007, while employed with North Texas Medical Center, Gainesville, Texas, Respondent lacked fitness to practice vocational nursing in that she exhibited impaired behavior while on duty, which included, but was not limited to: made nonsensical statements, and dozing off at the nurses' station. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5).

CHARGE V.

On or about January 22, 2007, while employed with North Texas Medical Center, Gainesville, Texas, Respondent admitted that she engaged in the intemperate use of narcotics, when she was requested to submit to a urine drug screen. Respondent stated that she was "not clean." The use of narcotics 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A).

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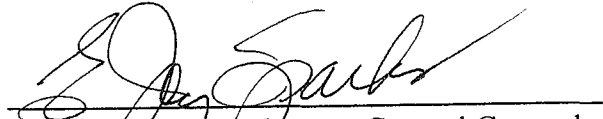
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency which can be found at the Board's website, www.bne.state.tx.us.

Filed this 25th day of September, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



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