

BEFORE THE BOARD OF NURSING  
FOR THE STATE OF TEXAS

\*\*\*\*\*

In the Matter of § ELIGIBILITY  
MARIA B. HARRIS §  
APPLICANT for Eligibility for Licensure § AGREED ORDER



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.  
*Patricia P. Thomas*  
Executive Director of the Board

On the date entered below, the Texas Board of Nursing, hereinafter referred to as Board, considered the Temporary License/Endorsement Application and supporting documents filed by MARIA B. HARRIS, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(b)(3), Texas Occupations Code, and Article 4525(b)(9), Tex. Rev. Stat. Ann.

A public meeting was held on November 12, 2008, by the Eligibility and Disciplinary Committee of the Texas Board of Nursing (Board), at 303 Conalope, Tower 3, Suite 460, Austin, Texas, in which the application of MARIA B. HARRIS, APPLICANT, was considered.

APPLICANT appeared in person. APPLICANT was represented by Oscar San Miguel, Attorney at Law.

Board Members in attendance were: Brenda S. Jackson, PhD, RN; Ricahrd Gibbs, LVN; and Sheri Crosby, JD. Staff present were: Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, Director, Enforcement Division; Earl E. Stearns, Supervising Investigator, Eligibility Division; and Cynthia LoCastro, Legal Assistant.

## FINDINGS OF FACT

1. On or about November 6, 2006, Applicant submitted an Application for Licensure by Endorsement requesting a determination of eligibility for licensure in compliance with Section 301.257 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Section 213.30.
2. Applicant waived informal conference, notice and hearing, and consented to the entry of this Order.
3. Applicant received a Baccalaureate Degree in Nursing from The University of San Agustin, Peru, Arequipa, Peru, in March 1981.
4. Applicant completed the Application for Licensure by Endorsement and answered "yes" to the question which reads in part as follows: *"Have you ever been arrested, convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest, or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal? This includes expunged offenses and deferred adjudication with or without a finding of guilt."*
5. Applicant disclosed the following criminal history, to wit:
  - A. On or about September 16, 1994, Applicant was convicted for the Class B misdemeanor offense of Theft and was sentenced to one hundred eighty (180) days probation and assessed a fine in the amount of four hundred dollars (\$400.00).
  - B. On or about December 29, 1998, Applicant was convicted for the Class B misdemeanor offense of Theft in the County Court at Law of Dallas County, Texas. Applicant was sentenced to one (1) day confinement and was assessed a fine in the amount of two hundred dollars (\$200.00).
  - C. On or about December 20, 2000, Applicant was convicted for the Class B misdemeanor offense of Theft in the County Criminal Court at Law No. 1 of Dallas County, Texas. Applicant was sentenced to ninety (90) days confinement, with imposition of sentence suspended and Applicant was placed on twelve (12) months community supervision and assessed a fine in the amount of two hundred dollars (\$200.00).

- D. On or about October 30, 2001, Applicant was convicted for the Class A misdemeanor offense of Theft in the County Criminal Court at Law of Dallas County, Texas. Applicant was sentenced to ninety (90) days confinement, with imposition of sentence suspended and Applicant was placed on eighteen (18) months community supervision and assessed a fine in the amount of two hundred dollars (\$200.00).
- E. On August 18, 2004, Applicant was convicted for the class B misdemeanor offense of Theft in the County Criminal Court No. 9 of Dallas County, Texas. Applicant was sentenced to sixty (60) days confinement, open for forty-five (45) days.
6. There is no evidence of any subsequent criminal conduct.
7. The Board received letters of support/recommendation for Applicant from the following:
- A letter of reference dated May 30, 2002, was submitted to the Board by Applicant from Joan H. Cooper.
  - Letter's of reference dated March 2, 2005, and October 8, 2008, were submitted to the Board on behalf of Applicant by Steven P. Sparagana, M.D., Texas Scottish Rite Hospital for Children, Dallas, Texas.
  - A letter of reference dated October 10, 2008, was submitted to the Board on behalf of Applicant by Maria L. Dimas.
  - A letter of reference dated October 10, 2008, was submitted to the Board on behalf of Applicant by Andrea Limpus, Dallas, Texas.
8. Applicant has sworn that with the exception of matters disclosed in connection with the Temporary License/Endorsement Application, her past behavior conforms to the Board's professional character requirements.
9. Applicant presented no evidence of behavior since her criminal charges which is inconsistent with good professional character.
10. On November 12, 2008, the Eligibility and Disciplinary Committee of the Board considered the evidence of the criminal charges and evaluated its direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 Texas Administrative Code, §213.28, including the nature and circumstance of the offenses, and the absence of any subsequent conviction.
11. On November 12, 2008, the Eligibility and Disciplinary Committee of the Board considered evidence of Applicant's post criminal behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.
12. Licensure of Applicant poses no direct threat to the health and safety of patients or the public, provided Applicant complies with the stipulations outlined in this Order.

13. The Committee's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
14. 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.

#### CONCLUSIONS OF LAW

1. The Texas Board of Nursing (Board) has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.
2. Applicant has submitted an Application for Licensure by Endorsement requesting a determination of eligibility for licensure in compliance with Section 301.257, 301.252, and 301.260, of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Section 213.30, and 217.5.
3. The evidence in Finding of Fact Number Four (4) and Five (5) is sufficient cause to take disciplinary action under Section 301.452 *et seq.*, Texas Occupations Code, and, therefore, sufficient cause to deny licensure.
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. This Order is conditioned upon the accuracy and completeness of Applicant's disclosures. Any subsequently discovered discrepancies will result in investigation and disciplinary action.
6. The Board may license individuals who have been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code §§213.27 and 213.28 and evaluating the direct relationship to nursing according to Chapter 53, Sec. 53.001 *et seq.*, Texas Occupations Code.
7. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.

## ORDER

IT IS THEREFORE AGREED that the application of MARIA B. HARRIS, APPLICANT, is hereby conditionally GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) APPLICANT SHALL, within one (1) year of entry of this Order and prior to receiving a professional nurse license, successfully complete a nursing refresher course. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The course's content shall include: 1) the role of the nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) pharmacology review; 4) medication administration review for all standard routes of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course shall include a minimum of the clinical components, providing direct patient care supervised by another registered nurse, as stated on the Board's website, <ftp://www.bon.state.tx.us/6mth-rn.pdf>. Upon receipt of verification that APPLICANT has enrolled in a nursing refresher course, the APPLICANT SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing the course. APPLICANT SHALL NOT, in any way, attempt to use this limited permit for any purpose other than attending this course. APPLICANT SHALL CAUSE the sponsoring institution to notify the Board of APPLICANT'S successful completion on the Verification of Course Completion form provided by the Board. Upon receipt of the Verification of Course Completion form and the limited permit, the Board will then issue APPLICANT a license

to practice professional nursing, with the appropriate notation. 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.

(3) APPLICANT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

(4) IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to APPLICANT's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

(5) IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT 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 APPLICANT wishes to work.

(6) APPLICANT SHALL, within one (1) year of initial licensure in the State of Texas, successfully complete a course in Texas nursing jurisprudence and ethics. APPLICANT 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) contact 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. APPLICANT 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 APPLICANT'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>.*

(7) APPLICANT SHALL, within one (1) year of initial licensure in the State of Texas, successfully complete a course in physical assessment. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. APPLICANT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. 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. APPLICANT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. APPLICANT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify APPLICANT'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>.*

(8) APPLICANT SHALL, within one (1) year of initial licensure in the State of Texas, successfully complete a course in pharmacology. APPLICANT 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 course and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. The six (6) hours may not be configured to include homework assignments. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on: all of the major drug classifications and their physiological and therapeutic effects; dosages and administration; precautions; contraindications; and nursing implications. Courses focusing on only one (1) or two (2) groups of drugs, or relating to only one (1) clinical area of practice, will not be accepted. 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. APPLICANT 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.bne.state.tx.us/disciplinaryaction>.*



**IT IS FURTHER AGREED, SHOULD APPLICANT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, APPLICANT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND APPLICANT MUST WORK IN SUCH 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 THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(9) APPLICANT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on APPLICANT's license. APPLICANT SHALL present a complete copy of this Order to each present employer within five (5) days of receipt of this Order. APPLICANT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on APPLICANT's license. APPLICANT SHALL present a complete copy of this Order to each future employer prior to accepting an offer of employment.

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

(11) APPLICANT 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 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 experience in the same or similar practice setting to which the Respondent 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.

(12) 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 Registered Nurse who supervises the APPLICANT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, APPLICANT 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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APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction such as conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.260, and 301.452(b) of the Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, and Board Rules at 213.27, 213.28, and 213.29 at 22 Texas Administrative Code which are incorporated by reference as a part of this Order. I agree with all terms of this Order and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Texas Board of Nursing.

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.

I understand that I can be represented by an attorney in this matter. I waive notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Texas Board of Nursing enter this Order.

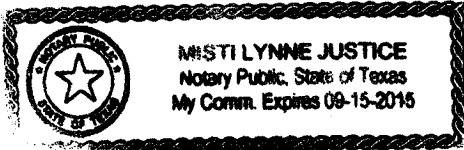
Signed this 12<sup>th</sup> day of January, 2009.

Maria Harris  
MARIA B. HARRIS, APPLICANT

Sworn to and subscribed before me this 12<sup>th</sup> day of January, 2009.

SEAL

Misti Justice  
Notary Public in and for the State of Texas



Approved as to form and substance.

\_\_\_\_\_  
Oscar San Miguel, Attorney for Applicant

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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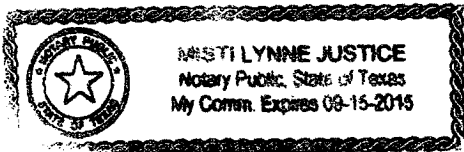
I understand that I can be represented by an attorney in this matter. I waive notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Texas Board of Nursing enter this Order.

Signed this 12<sup>th</sup> day of January, 2009.

Maria Harris  
MARIA B. HARRIS, APPLICANT

Sworn to and subscribed before me this 12<sup>th</sup> day of January, 2009.

SEAL



Misti Lynne Justice  
Notary Public in and for the State of Texas

Approved as to form and substance.

Oscar San Miguel  
Oscar San Miguel, Attorney for Applicant

Signed this 13<sup>th</sup> day of July, 2009.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Eligibility Agreed Order that was signed on the 12<sup>th</sup> day of January, 2009, by MARIA B. HARRIS, APPLICANT, for Temporary License/Endorsement Application, and said Order is final.

Effective this 10<sup>th</sup> day of February, 2009.



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