BEFORE THE TEXAS BOARD OF NURSING

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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

In the Matter of Licensed Vocational Nurse	§	AGREED
License Number 119607	§	
issued to GAYLE A. MORRIS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of GAYLE A. MORRIS, Vocational Nurse License Number 1196 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)& (13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 19, 2008, 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.

2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.

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

4. Respondent received a Certificate in Vocational Nursing from Paris Junior College Trade School, Paris, Texas, on August 13, 1987. Respondent was licensed to practice vocational nursing in the State of Texas on December 2, 1987.

5. Respondent's vocational nursing employment history includes:

12/87 - 4/88	Staff LVN	Hopkins County Hospital Sulfur Springs, Texas

Respondent's vocational nursing employment history continued:

1988 - 1989	Director of Nursing	Winnwood Nursing Home Winnsboro, Texas
1989 - 6/90	Staff LVN	Whispering Pines Winnsboro, Texas
6/90 - 9/94	Staff LVN	Presbyterian Hospital Winnsboro, Texas
9/94 - 10/06	Staff LVN	Sunny Springs Nursing and Rehab Sulphur Springs, Texas
11/06 - present	Unknown	

6. On April 14, 2000, Respondent was convicted of "Theft by Check", (misdemeanor offense which occurred on August 17, 1999) , in Cause No. 26,994, by the County Court of Wood County, Texas. As a result of the conviction, Respondent was assessed a fine and court fees and ordered to pay restitution.

7. On October 12, 2000, Respondent plead guilty and was convicted of "Theft By Check", (a misdemeanor offense which occurred on August 17, 2000), in Cause No. CR00-17,709, by the County Court at Law of Hopkins County, Texas. As a result of the guilty plea, Respondent was sentenced to two (2) years probation and assessed a fine in the amount of five hundred dollars ($500.00). Respondent satisfactorily completed probation on October 12, 2002.

8. On January 23, 2002, Respondent provided false and deceptive information on an application for vocational nurse licensure renewal submitted to the Board of Vocational Nurse Examiners for the State of Texas in that she answered "No" to the following question: *"Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"*

   On April 14, 2000, Respondent was convicted of "Theft by Check", (misdemeanor offense which occurred on August 17, 1999) , Cause No. 26,994, in the County Court of Wood County, Texas. As a result of the conviction, Respondent was assessed a fine, ordered to pay restitution, and assessed court fees and capias fees.

   On October 12, 2000, Respondent was plead guilty and was convicted of "Theft By Check", (a misdemeanor offense which occurred on August 17, 2000), Cause No. CR00-17,709, in the County Court at Law of Hopkins County, Texas. As a result of the guilty plea, Respondent was sentenced to two (2) years probation and was assessed a fine in the amount of five hundred dollars ($500.00). Respondent satisfactorily completed probation on October 12, 2002.

   Respondent's conduct was deceiving to the Board of Vocational Nurse Examiners and may have affected their decision to renew her license to practice vocational nursing.

10. At the time of the incidents in Findings of Fact Numbers Eleven (11) and Twelve (12), Respondent was employed as a Staff LVN with Sunny Springs Nursing and Rehab, Sulphur Springs, Texas, and had been in this position for twelve (12) years and one (1) month.

11 On or about October 27, 2006, while employed as a Licensed Vocational Nurse with Sunny Springs Nursing and Rehabilitation, Sulphur Springs, Texas, Respondent failed to intervene or assess and evaluate patient Medical Record Number 121103, when she learned that Patient Medical Record Number 121103 had been unlawfully restrained by nursing assistants. Respondent's conduct was likely to cause physical and emotional harm from the unlawful restraints placed without a physician's order and from complications due to undiagnosed and, consequently, untreated disease processes.

12. On or about October 1, 2006 through October 27, 2006, while employed as a Licensed Vocational Nurse with Sunny Springs Nursing and Rehabilitation, Sulphur Springs, Texas, Respondent failed to notify the physician when it was found that Patient Medical Record Number 121103 may have exhibited behaviors that required added safety measures. Respondent's conduct failed to promote a safe environment and deprived the physician of essential information required to formulate a plan to implement added safety measures for the patient.

12. Respondent states that she was off duty when she learned from on-coming LVN RT, that Patient Medical Record Number 121103 had been found restrained. Respondent states that she asked about the patient's condition and LVN RT informed her that the patient had been assessed and was alright. Respondent denies that she would ever allow this action.

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 of Section 301.452(b)(10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B), (D), (M), (O) & (P) & (2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A), (4) & (6)(C).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 119607, heretofore issued to GAYLE A. MORRIS, including revocation of Respondent's license to practice vocational 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 WARNING 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 multistate licensure privilege, if any, to practice vocational 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 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 deliver the wallet-sized license issued to GAYLE A. MORRIS, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, 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 <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, 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.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALLobtain 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. RESPONDENT 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. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT

SHALL CAUSE the instructor 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.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Restraints in Long Term Care," a six (6) contact hours workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following website: http://www.dads.state.tx.us/providers/training/jointtraining.cfm or by contacting (512) 438-2201.*

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://www.learningext.com/products/generalce/critical/ctabout.asp.*

(6) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500.00). 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A LICENSED VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEARS 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 LICENSED VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(7) RESPONDENT SHALL notify each present employer in 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 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.

(8) 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.

(9) 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 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. 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.

(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 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) month period one (1) year of employment as a 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 vocational nursing in the State of Texas.

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 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

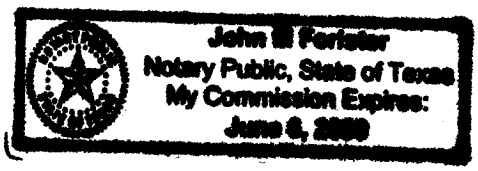
Signed this 19 day of December, 2008.

Gayle A Morris

GAYLE A. MORRIS, Respondent

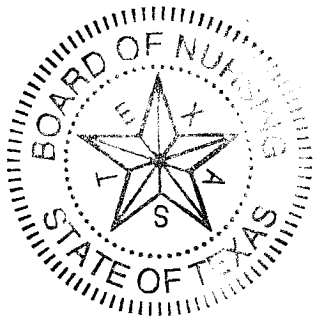
Sworn to and subscribed before me this 19 day of December, 2008.

SEAL



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 _19th_____day of December, 2008, by GAYLE A. MORRIS, Vocational Nurse License Number 119607, and said Order is final.

Effective this __22nd____ day of January, 2009.

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