

6. On February 23, 1998, Respondent was issued the sanction of a Fine by the Board of Nurse Examiners for the State of Texas. A copy of the February 23, 1998, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On or about July 29, 2004, while employed with HealthSouth North Houston, Conroe, Texas, Respondent may have lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty which included speaking in a loud voice, slurred speech and the smell of alcohol on her breath.
8. On or about August 15, 2003, Respondent provided false and deceptive information on her renewal application submitted to the Board of Nurse Examiners for the State of Texas in that she answered " No" to the following question: "In the past 5 years, have you been diagnosed with or treated or hospitalized for schizophrenia or other psychotic disorder, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder? " Respondent attended an outpatient psychiatric treatment program in 1999.
9. On or about July 29, 2004, while employed with HealthSouth North Houston, Conroe, Texas, Respondent may have lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty which included speaking in a loud voice, slurred speech and the smell of alcohol on her breath
10. On July 25, 2005, an evaluation was conducted by Robert E. Cantu, MD, Austin, Texas. Respondent described a significant past psychiatric history that began in 1991, when she was admitted to a psychiatric hospital for depression and suicidal ideation. She also reported psychiatric hospitalizations in 1992, 1994, 1996, and 1998, primarily for complaints of depression. In 1996, Respondent was diagnosed with Bipolar Disorder. She attended an outpatient psychiatric treatment program in 1999, and was last formally treated by a psychiatrist in 2002. That relationship ended after the psychiatrist apparently "made ultimatums" regarding her inconsistent medication compliance. Dr. Cantu recommends that Respondent obtain a psychiatric evaluation and comply fully with the practitioner's treatment recommendations. Should that practitioner find that Respondent was not an appropriate candidate for psychotropic medication intervention, a period of regular (quarterly) monitoring by the psychiatrist for 12 to 18 months would be reasonable to observe the stability of her clinical state over time. Dr. Cantu believes that Respondent would be best served, both professionally and personally, with total abstinence from alcohol and other mind altering substances.
11. Letter of support from Cathy J. Tull, RN, Texas NeuroRehab Center, Austin, Texas, states Respondent has worked for her for over a year on the Bluebonnet Unit of Texas NeuroRehab Center. Respondent has been an asset to the unit and the whole facility. Her experience as a psych. nurse also benefits her position. She has patients from sixteen (16) years of age through the geriatric age. Respondent is well liked and gets along with her peers. She is always willing to offer help to the staff when it is needed. Respondent is always professional in her actions and appearance.

12. Letter of support, dated September 12, 2007, from Rayelynn Young, RN, states she is a Registered Nurse employed at Texas NeuroRehab Center and has worked with Respondent for over a year. During this time, she has demonstrated herself to be a competent a conscientious nurse who practices in a safe and prudent manner. She is always willing to help her co-workers, and in emergent situations, has performed her duties effortlessly.
13. Letter of support, dated September 10, 2007, from Samuel A. Morgan, RN, Texas NeuroRehab Center, Austin, Texas, states in the time that he has worked with Respondent, she has displayed nothing but the best qualities expected of a Registered Nurse. She is punctual, attentive, and able to work under pressure in a fast paced environment without hesitation. She is pleasant, supportive, caring, and able to adapt quickly to any team she is assigned to. Her professional demeanor is a model for those around her.
14. Letter of support, dated September 13, 2007, from Cheryl Wegner, RN, Texas NeuroRehab Center, Austin, Texas, states she has had the privilege of working with Respondent over the past year. She has readily made herself available to the staff when needed. Her generosity is equal to her leadership. Without hesitation, Respondent shares her knowledge and is able to make keen and incisive decisions.
15. Respondent submitted documentation of three (3) negative drug screens collected over the last two (2) years while employed with Texas NeuroRehab Center, Austin, Texas..
16. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 violations of Section 301.452(b)(2) (10) and (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(H), (10), (12), (22), and (23).
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 577606, heretofore issued to CAROLYN ROCHELLE HARVILLE, 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 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, 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 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 CAROLYN ROCHELLE HARVILLE, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(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 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 Chemical Dependency, 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/about/stipscourses.html>.*

(3) 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 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 AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) 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:

(4) 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.

(5) 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.

(6) For the duration of the stipulation period, 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.

(7) 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) months for two (2) year(s) of employment as a nurse.

(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(9) During the first year of employment, RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(10) RESPONDENT SHALL undergo a psychological evaluation. The evaluation shall be performed by a Board certified psychiatrist or a clinical psychologist approved by the Board. The evaluation shall be completed within ninety (90) days from the date of this Order. RESPONDENT SHALL CAUSE the performing psychiatrist or clinical psychologist to send a report of the evaluation to the Board office. The report shall include:

1. a description of the instruments used for evaluation and the results of the evaluation;

2. a statement as to the RESPONDENT's fitness to safely practice professional nursing; and
3. recommendations for therapy or other follow-up.

RESPONDENT SHALL comply with the recommendations for therapy or other follow-up If the evaluation states that Respondent lacks fitness to practice professional nursing, RESPONDENT SHALL cease to provide direct patient care until such time that the same evaluator deems Respondent safe to return to direct patient care. If the results of the evaluation reveal further violations of the Nursing Practice Act, further disciplinary action may be taken, including revocation of Respondent's license to practice professional nursing in the State of Texas. If the evaluation recommends psychiatric care, Respondent shall cause the psychiatrist to submit written reports to the Board in the manner described for the therapy reports in paragraph 11, infra.

(11) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until RESPONDENT is dismissed from therapy.

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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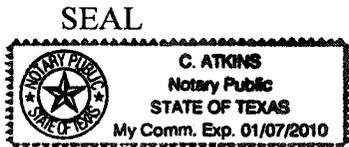
RESPONDENT'S CERTIFICATION

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 14 day of September, 2007.

Carolyn Rochelle Harville
CAROLYN ROCHELLE HARVILLE, Respondent

Sworn to and subscribed before me this 14th day of September, 2007.



C. Atkins
Notary Public in and for the State of Texas

Approved as to form and substance.

Louis Leichter
LOUIS LEICHTER, Attorney for Respondent

Signed this 14 day of Sept, 2007

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9th day of September, 2007, by CAROLYN ROCHELLE HARVILLE, Registered Nurse License Number 577606, and said Order is final.

Effective this 18th day of October, 2007.



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

**BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS**

In the Matter of Permanent

Certificate Number 577606

Issued to: CAROLYN ROCHELLE HARVILLE

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AGREED ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of CAROLYN ROCHELLE HARVILLE, Permanent Certificate Number 577606, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4518, Section 7 and Article 4525(b)(1), TEX. REV. CIV. STAT. ANN. , as amended and 22 Texas Administrative Code, §217.15.

Respondent waived representation by counsel, informal conference, notice, hearing and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, on behalf of 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 consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent failed to make full and timely compliance with the Board's requirements for continuing education for the period ending August 1997.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, TEX. REV. CIV. STAT. ANN., as amended, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. Evidence received was sufficient to prove violation of Article 4518, Section 7 and 4525(b)(1) TEX. REV. CIV. STAT. ANN., and 22 Texas Administrative Code §217.15(b).
4. Respondent's failure to comply with Continuing Education requirements is sufficient cause pursuant to Article 4525(b) TEX. REV. CIV. STAT. ANN. to take disciplinary action against license number 577606, heretofore issued to CAROLYN ROCHELLE HARVILLE.

AGREED SANCTIONS

IT IS THEREFORE AGREED, that RESPONDENT SHALL receive the sanction of a fine in the amount of One Hundred Dollars (\$100), and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas, Annotated, as amended, Article 4513 et seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 Texas Administrative Code, §211.01 et seq., and this Order.

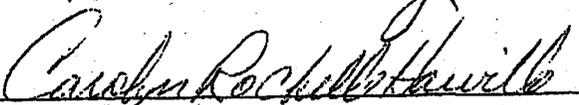
IT IS FURTHER AGREED, that RESPONDENT SHALL submit, with this signed Agreed Order and the fine, documentation of successful completion of twenty (20) Type I contact hours of continuing education. Documentation shall include copies of certificates of program attendance. These contact hours are to be taken in addition to any continuing education requirements the Board may have for relicensure.

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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 and Conclusions of Law and consent to the issuance of the Agreed Order, the Agreed Sanctions, and any condition stated in this Order to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final and effective when entered by the Executive Director and that a copy will be mailed to me.

Signed this 23 day of February, 19 98

CAROLYN ROCHELLE HARVILLE, Respondent

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas ratifies and acknowledges satisfaction of the requirements of the Agreed Order that was signed on the 23rd day of February, 19 98, by CAROLYN ROCHELLE HARVILLE, Permanent Certificate Number 577606, and said Order is final.

Signed this 25th day of March, 1998.


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