



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 A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of License Number 597865 § AGREED
issued to CAROL SUE GOURLAS § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Bo produced evidence indicating that CAROL SUE GOURLAS, hereinafter referred to as Respond Registered Nurse License Number 597865, may have violated Section 301.452(b)(3),(9)&(10), Texas Occupations Code.

An informal conference was held on October 9, 2007, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Roy R. Barrera, Jr., Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Executive Director's Designee; James W. Johnston, General Counsel; Victoria Cox North, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Earl E. Stearns, Senior Investigator; and Mike Abul-Saud, 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 Montgomery Community College, Takoma Park, Maryland, on May 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on September 27, 1993.

5. Respondent's professional nursing employment history includes:

09/93 - 1994	RN Charge Nurse	Sid Petersen Hospital Kerrville, Texas
1994 - 1995	RN/DON	U.S. Health Trends Bandera, Texas
1995 - 1997	Corporate RN	Hondo Management, Inc. Hondo, Texas
1997 - 2003	Staff Pool RN (PRN)	University Hospital San Antonio, Texas
04/99 - 06/01	RN/DON	Crescent Care Center Bandera, Texas
07/01 - 12/01	RN Wellness Director	The Haven Kerrville, Texas
12/01 - 06/02	Staff Development QA/ ADON	Harvest Community of Hondo Hondo, Texas
07/02 - 08/05	RN/ADON	Hilltop Village Kerrville, Texas
09/05 - Present	ADON	Hondo Healthcare and Rehab Hondo, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse and Assistant Director of Nursing with Hilltop Village, Kerrville, Texas, and had been in this position for approximately two (2) years and eight (8) months.
7. On or about March 2005 through June 2005, while employed as a Registered Nurse and Assistant Director of Nursing with Hilltop Village, Kerrville, Texas, Respondent misappropriated discontinued medications/narcotics; expired residents' medications/narcotics; and/or residents' hospital medications/narcotics from the facility to sell, trade or exchange for Cocaine, for her own personal use. Respondent's conduct was deceptive and in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

8. On or about July 5, 2006, Respondent entered a plea of Nolo Contendere to POSSESSION OF CONTROLLED SUBSTANCE, TO-WIT: HYDROCODONE IN THE AMOUNT OF MORE THAN FOUR GRAMS BUT LESS THAN 200 GRAMS WITH INTENT TO DELIVER (a First Degree Felony offense committed on June 13, 2005), in the District Court, 216th Judicial District, Bandera County, Texas, under Cause No. CRDS-05-105. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation (deferred adjudication) for a period of ten (10) years. Additionally, Respondent was ordered to pay a five hundred dollar (\$500) fine and court costs, and Respondent was ordered to perform two hundred fifty (250) hours of community service.

On or about May 22, 2008, an Order Terminating Deferred Adjudication was entered in the District Court, 216th Judicial District, Bandera County, Texas, under Cause No. CRDS-05-105. The Order effectively dismissed Cause No. CRDS-05-105 and discharged Respondent from deferred adjudication.

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states: Prior to the incident at Hilltop Village, she had no criminal history. She had been a nurse for nearly twelve (12) years and had no complaints or actions taken against her or her licensure. She suffered psychological and domestic abuse/violence in her marriage and was involved in a divorce at the time. She feels the problems in her personal life were a root cause for the poor judgment she used, and the poor choices she made in regards to drug matters. Nevertheless, she did not allow domestic or legal issues to deter her from being a good nurse or doing good work. She resigned her position with Hilltop Village, and has since, been gainfully employed as an Assistant Director of Nursing at another Healthcare and Rehab Center. She is a good employee who simply stumbled.
10. Nick Madrid, Probation Officer for the 216th Judicial District Community Supervision and Corrections Department, submitted a letter to the Board dated July 28, 2008, stating that Respondent, as a term of her probation, submitted to random urinalysis on June 25, 2007, and April 23, 2008. Mr. Madrid states that both specimens tested negative for the presence of illegal substances.
11. On March 27, 2007, Respondent completed the SASSI-3 evaluation and was interviewed by Marilyn Whitman, Administrator of the Alamo Center for Learning, Inc., San Antonio, Texas. In a letter dated March 29, 2007, Ms. Whitman states that the assessment, based on the past six months, indicated a low probability of substance dependence, with moderately elevated scale scores, and that the Respondent should consider further evaluation.
12. Respondent has been granted temporary custody of her grandchild, while the Respondent's son, the child's father, who resides with the Respondent, is awaiting a Termination of Parental Rights Hearing for the child's mother. The Respondent's home has been deemed by the Guardian Ad Litem for the child to be a safe environment.

13. Several reference letters from the Respondent's colleagues, friends and family have been received by the Texas Board of Nursing for use in the investigation of this case. The letters include the following:

Tammy Mains, LVN, Hilltop Village, Kerrville, Texas, indicated that she has known the Respondent for approximately four years and found her to be "very knowledgeable and helped [her] to learn and understand [her] job in nursing."

Linda Simcox, LVN, stated that she has known the Respondent for approximately 12 years and that the Respondent is a "very caring person and knowledgeable nurse...She is always thinking of ways to improve the quality of life for the residents of nursing homes...When not working, she uses her skills as a nurse to volunteer at schools, flu drives, health clinics, church, little league sports and even became an EMT when there were not enough in Bandera County.

Reverend Richard, E. Dunham, St. Christopher's Episcopal Church, Bandera, Texas, stated that the Respondent is a "model citizen...She is a very good and conscientious mother...There is nothing in Carol's character that would lead her to do anything illegal."

Caroline P. Benjamin, Ph.D., Associate Professor Emeritus of Biology, Texas State University, San Marcos, Texas, stated that the Respondent has "worked with those most unable to care for themselves, namely, both the very young (as a pediatric nurse in the hospital postpartum nursery) and the elderly (as a nurse and assistant director in two nursing homes)...and she is devoted to her patients."

J. Craig Sweeney, CRS, GRI, Broker-Salesman, Dickson Realty, Reno, Nevada, indicated that he has known the Respondent for approximately 35 years and that she is "a woman of great character, integrity, intelligence and grace and is a person who always puts others first before thinking of herself."

Jill Heinen, RN, Director of Nursing, Hilltop Village, Kerrville, Texas, stated that she was the Respondent's supervisor for two years at Hilltop Village, and had known her personally for approximately six years. She further stated that the Respondent "has always been a competent and caring nurse. She did an excellent job as Assistant Director of Nursing. She displayed professionalism and knowledge which made her an asset to the profession."

14. 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.

15. Formal Charges were filed on August 7, 2007.
16. Formal Charges were mailed to Respondent on August 13, 2007.

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 violation of Section 301.452(b)(3),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G),(10)(E),(11)(B)&(13).
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 597865, heretofore issued to CAROL SUE GOURLAS, including revocation of Respondent's license 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 Registered Nurse License Number 597865, previously issued to CAROL SUE GOURLAS, to practice nursing in Texas is hereby SUSPENDED for a period of three (3) years with the said suspension STAYED and Respondent is hereby placed on PROBATION for three (3) years with the following agreed terms of probation:

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

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.

(1) 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.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to CAROL SUE GOURLAS, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). 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.

(4) 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 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, SHOULD RESPONDENT PRACTICE AS A 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 THREE (3) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD.

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions 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 probation conditions 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.

(6) 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.

(7) For the first year of employment as a Registered Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(8) For the remainder of the probation 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.

(9) 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 for three (3) years of employment as a nurse.

(10) 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.**

(11) 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. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

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 probation 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 probation 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.

(12) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the

required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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

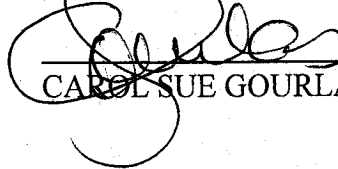
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RESPONDENT'S CERTIFICATION

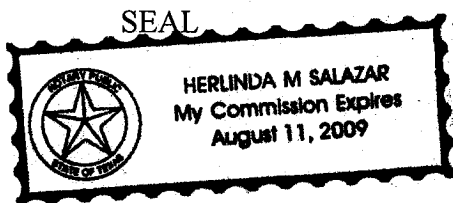
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 nursing in the State of Texas, as a consequence of my noncompliance.


Signed this 25th day of September, 2008.



CAROL SUE GOURLAS, Respondent

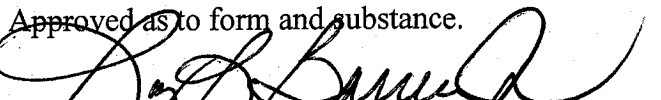
Sworn to and subscribed before me this 25th day of September, 2008.





Notary Public in and for the State of August 11, 2009

Approved as to form and substance.

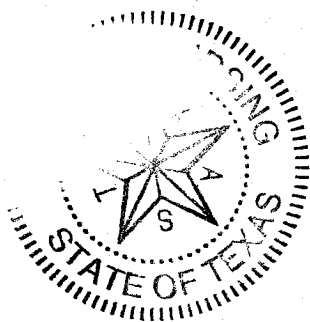


ROY R. BARRERA, JR., Attorney for Respondent

Signed this 1 day of October, 2008.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 25th day of September, 2008, by CAROL SUE GOURLAS, Registered Nurse License Number 597865, and said Order is final.

Effective this 23rd day of October, 2008.



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