

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 249764 § AGREED  
issued to FRANCES LOUISE GALLOW § 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 Blair*  
Executive Director of the Board

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that FRANCES LOUISE GALLOW, Registered Nurse License Number 249764, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(10), Texas Occupations Code.

An informal conference was held on August 19, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Patricia Blair, PhD, LLM, JD, MSN, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Nursing Director, Executive Director's Designee; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Sam Smelser, Investigator, and Paul Longoria, 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 a Baccalaureate Degree in Nursing from Lamar University, Beaumont, Texas, on May 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on September 4, 1979.

5. Respondent's professional nursing employment history includes:

1979 - 1988	Staff RN/Charge Nurse/Head Nurse Baptist Hospital Beaumont, Texas
1988 - 1990	Staff RN/Unit Coordinator Beaumont Neurological Hospital Beaumont, Texas
1990 - 1993	DON HEA Managed Long-Term Care Unknown
1993 - 1995	Staff RN/Infectious Disease Coordinator/DON TDCJ/Gist Unit & Stiles Unit Beaumont, Texas
1995 - 1996	DON Horizon Managed Long-Term Health Care Unknown
1997 - 1998	DON Secure Care Home Health Beaumont, Texas
1999 - 2001	Staff RN Classic Home Health Port Arthur
1999 - Unknown	Staff RN Capitated Health Care Services Weston, Florida
2001 - Unknown	Staff RN NurseFinders Beaumont
October 2003 - November 2007	Staff RN Pulse Staffing Houston, Texas

Respondent's professional nursing employment history continued:

2004 - 2005	DON Convenient Home Health Beaumont, Texas
December 2007 - February 2008	Unknown
March 2008 - Present	Staff RN Maxim Healthcare Services Beaumont, Texas

6. On or about September 17, 2007, through September 20, 2007, while employed with Pulse Staffing, Houston, Texas, and on assignment at Memorial Hermann Fannin Pavilion, Beaumont, Texas, Respondent provided misleading information in that she submitted duplicate time sheets to Pulse Staffing and another agency, NurseFinders, for the same orientation assignment that she worked at Memorial Hermann Fannin Pavilion, Beaumont, Texas. Respondent's conduct was deceptive and likely to defraud the agencies of the cost of nursing care.
7. On or about November 2, 2007, while employed with Pulse Staffing, Houston, Texas, and on assignment at Memorial Hermann Fannin Pavilion, Beaumont, Texas, Respondent misappropriated monies belonging to Pulse Staffing or failed to take precautions to prevent such misappropriation in that she accepted payment for an orientation assignment worked from September 17, 2007, through September 20, 2007, when she had already been paid for the same assignment by another agency, NurseFinders. Respondent's conduct caused Pulse Staffing to lose the cost of nursing care in that they were not reimbursed by Memorial Hermann Fannin Pavilion since the facility had already paid another agency for Respondent's orientation assignment.
8. Regarding the conduct outlined in Findings of Fact Numbers Six (6) and Seven (7), Respondent states that there was no intent, and she offered to reimburse Pulse Staffing when she found out that they were not reimbursed by Memorial Hermann Fannin Pavilion. Respondent states that she initiated contact with Pulse Staffing when she noticed a discrepancy in her paycheck. Shortly after she was contacted by Beaumont Police Department that Pulse was pursuing criminal charges, Respondent reimbursed Pulse Staffing on November 19, 2007, for the amount of three hundred seventy dollars and seventy-four cents (\$370.74). Once restitution was made, the criminal charges were not pursued.

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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G)(H).
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 249764, heretofore issued to FRANCES LOUISE GALLOW, 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 Fine with Remedial Education, 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 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 FRANCE LOUISE GALLOW to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty (\$250) dollars. 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.

(3) 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, 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 when this Order becomes final and the terms of this Order become effective, 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.

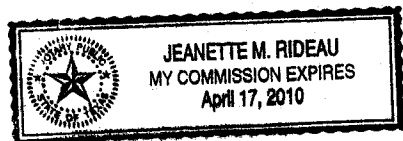
Signed this 3rd day of October, 2008.

Frances Louise Gallow  
FRANCES LOUISE GALLOW, RESPONDENT

Sworn to and subscribed before me this 3rd day of October, 2008.

SEAL

Jeanette Rideau  
Notary Public in and for the State of Texas

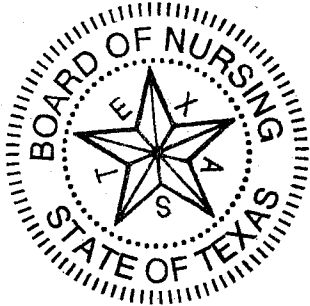



Approved as to form and substance, except omissions + errors in work history  
Patricia Blair  
PATRICIA BLAIR, PhD, LLM, JD, MSN, Attorney for Respondent

Signed this 25th day of October, 2008.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of October, 2008, by FRANCES LOUISE GALLOW, Registered Nurse License Number 249764, and said Order is final.

Effective this 7th day of November, 2008.



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