



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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse                   §           AGREED  
License Number 632086                               §  
issued to ANDREA HARKNESS-SMITH               §           ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of ANDREA HARKNESS-SMITH, Registered Nurse License Number 632086, 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on September 4, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

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(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed 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 Beville State Community College, Sumiton, Alabama, on May 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on July 16, 1996.
5. Respondent's nursing employment history includes:

07/1996 - 12/2001	Unknown	
01/2002 - 04/2006	Director of Nursing	Village Creek Nursing Home Fort Worth, Texas

Respondent's nursing employment history continued:

04/2006 - Unknown	Director of Nursing	Arlington Heights Nursing and Rehabilitation Center Fort Worth, Texas
03/2007 - Present	Director of Nursing	River Oaks Health and Rehabilitation Center Fort Worth, Texas

6. At the time of the initial incident, Respondent was employed as the Director of Nursing with River Oaks Health and Rehabilitation Center, Fort Worth, Texas, and had been in this position for one (1) year and ten (10) months.
7. On or about January 14, 2009, through February 27, 2009, while employed as the Director of Nursing with River Oaks Health and Rehabilitation Center, Fort Worth, Texas, Respondent failed to ensure that the narcotic key was removed from the key ring to the medication cart, which allowed an employee, Nurse RS, LVN, to have access to narcotics on a routine basis while under a Board Order from the Board of Nurse Examiners for the State of Texas, which prohibited her from administering or having any contact with controlled substances. Respondent's conduct resulted in an unsafe environment for residents.
8. On or about January 14, 2009, through February 27, 2009, while employed as the Director of Nursing with River Oaks Health and Rehabilitation Center, Fort Worth, Texas, Respondent failed to ensure that appropriate nursing supervision was provided for the abovementioned Nurse RS, as stipulated in the Board Order. Although other nurses signed out narcotic medications for Nurse RS, none of them were specifically assigned to supervise the nursing practice of Nurse RS. Respondent's conduct resulted in an unsafe environment for residents.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she never allowed Nurse RS access to controlled substances during her employment with the facility, that she and the ADON spoke with Nurse RS about her stipulations, and that Nurse RS was very informed and eager to follow the Board's Order. Respondent states that she truly wants to do the right thing and would never purposely permit a nurse enrolled in Texas Peer Assistance Program for Nurses to have access to controlled substances. According to Respondent, the employment of the nurse who was to be the supervisory nurse for Nurse RS was terminated on the second day of Nurse RS's employment, so Respondent was forced to ask several nurses to supervise Nurse RS. Respondent admits that she should not have allowed Nurse RS to work until a full-time replacement was hired and oriented. Respondent states that the nurses were informed of Nurse RS's stipulations and made every attempt to help this nurse.

## 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, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(U) and 217.12(1)(A),(1)(B)&(11)(C).
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 632086, heretofore issued to ANDREA HARKNESS-SMITH, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

## ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, 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.

(1) 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) 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(2) 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://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of one thousand dollars (\$1,000.00). RESPONDENT SHALL pay this fine within ninety (90) 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 and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

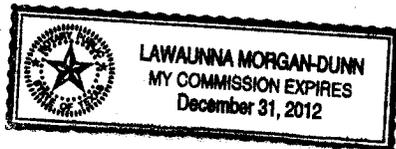
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17<sup>th</sup> day of September, 2010.

Andrea Harkness-Smith  
ANDREA HARKNESS-SMITH, Respondent

Sworn to and subscribed before me this 17<sup>th</sup> day of September, 2010.

SEAL



Lawanna Morgan-Dunn  
Notary Public in and for the State of Texas

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 17th day of September, 2010, by ANDREA HARKNESS-SMITH, Registered Nurse License Number 632086, and said Order is final.

Effective this 27th day of September, 2010.

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

