



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 Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Vocational Nurse                   §  
License Number 190094                               §  
issued to JENNY LYNN MARLIN                   §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 190094, issued to JENNY LYNN MARLIN, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Ranger Junior College, Brownwood, Texas, on August 3, 2002. Respondent was licensed to practice vocational nursing in the State of Texas in September 5, 2003.
4. Respondent's vocational nursing employment history is unknown.
5. On or about June 10, 2003, Respondent's license to practice vocational nursing was SUSPENDED with the SUSPENSION STAYED and placed on PROBATION WITH STIPULATIONS for a period of one (1) year by the Board of Vocational Nurse Examiners for the State of Texas, a copy of the Findings of Fact, Conclusions of Law and Agreed Board Order dated April 25, 2003, is attached and Incorporated, by reference, as part of this order.

6. On or about December 24, 2009, Respondent submitted a License Renewal Form to the Texas Board of Nursing in which she answered "Yes" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
- A. been convicted of a misdemeanor?
  - B. been convicted of a felony?
  - C. pled nolo contendere, no contest, or guilty?
  - D. received deferred adjudication?
  - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
  - F. been sentenced to serve jail or prison time? court-ordered confinement?
  - G. been granted pre-trial diversion?
  - H. been arrested or have any pending criminal charges?
  - I. been cited or charged with any violation of the law?
  - J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent disclosed that on or about April 6, 2009, Respondent entered a plea of No Contest and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on December 21, 2007), in the County Court at Law of Brown County, Texas, under Cause No. 0800053. As a result of the conviction, Respondent was sentenced to confinement in the Brown County Jail for a period of one hundred and eighty (180) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twelve (12) months.

7. On September 23, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated September 20, 2011, is attached and incorporated herein by reference as part of this Order.
8. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
9. 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 a violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 190094, heretofore issued to JENNY LYNN MARLIN, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Effective this 23rd day of September 2011.

TEXAS BOARD OF NURSING

By:



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



9/20/2011

Texas Board of Nursing

ATTN: Terry Washington, Investigator Enforcement Division

333 Guadalupe Street, Ste. 3-460

Austin, Tx. 78701

I, Jenny Lynn Marlin, hereby voluntarily surrender of my LVN license # 190094 due to personal financial issues. These financial issues leave me unable to hire legal counsel to the agreed order and stipulations of the order. I also request copies where I waived representation by counsel, etc. offered January 10<sup>th</sup>, 2010 by Katherine A. Thomas MN, RN, Executive Director.

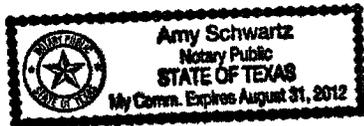
Sincerely,

Jenny Lynn Marlin

*Jenny Lynn Marlin*

Signed this 20<sup>th</sup> day of September,  
2011

Sworn to and subscribed before me this 20<sup>th</sup> day of September, 2011.



*Amy Schwartz*

Notary Public in and for this State of TEXAS

SEAL

BOARD OF VOCATIONAL  
NURSE EXAMINERS

VS.

JENNY LYNN MARLIN

§  
§  
§  
§  
§  
§

STATE OF TEXAS

COUNTY OF TRAVIS

**FIRST AMENDED**  
**AGREED BOARD ORDER**

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of JENNY LYNN MARLIN, an Applicant for Licensure by Examination hereinafter called Applicant.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Applicant of its intent to take disciplinary action with respect to said Application for Licensure, as a result of a subsequent investigation. Said investigation produced evidence indicating that Applicant has been convicted of a crime of the grade of a misdemeanor that relates to the practice of vocational nursing in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (3) (B). Applicant has also engaged in unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

I.

a. On or about August 5, 2002, Applicant submitted her Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On said Application, Applicant answered "yes" to the questions asking: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?", "Have you ever been hospitalized with a psychiatric occurrence within the past three (3) years?" and "Have you engaged in the intemperate use of alcohol within the past (3) years?"

FIRST AMENDED AGREED BOARD ORDER  
RE: JENNY LYNN MARLIN, EXAM APPLICANT  
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b. On or about February 9, 2001, Applicant was arrested and subsequently charged with the criminal offense of: PUBLIC INTOXICATION. On or about July 8, 2002, Applicant was convicted for said Misdemeanor Offense, in the Justice Court of Comanche County, Texas, under Cause Number 2001-00153. As a result of said conviction, Applicant was issued a fine of \$424.25.

c. Applicant has been convicted of a crime, which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

d. Applicant was hospitalized in the Comanche Community Hospital in Comanche, Texas from about April 16, 2001 through about April 20, 2001 because of chronic alcoholism. Applicant was discharged from the facility with diagnosis of chronic alcoholism and depression. Applicant was encouraged to attend A.A. meetings on a weekly basis.

e. Applicant was also hospitalized at Serenity Foundation of Texas in Abilene, Texas from about April 24, 2001 through about May 22, 2001. Applicant was assessed as having maladaptive use pattern of alcohol and an inability to remain abstinent from alcohol after experiencing negative consequences. Applicant was discharged from the facility against clinical advice.

By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Applicant does hereby waive the right to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, that JENNY LYNN MARLIN is hereby allowed to take the examination for licensure, and upon obtaining a passing score, be issued a license to practice vocational nursing in the State of Texas. Said license shall be suspended, with said suspension stayed and placed on probation for a period of three (3) years.

The probation of said license is subject to the following stipulations, to wit:

1. That if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said Notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.
3. That Applicant shall not practice nursing in a Nurse Licensure Compact remote state without obtaining prior written authority of both the BVNE and the Board of Nursing of the remote state.
4. That by copy of this Board Order Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
5. That applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
6. That Applicant shall attend Alcoholics Anonymous (A.A.), and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

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7. That Applicant shall and hereby agrees to abstain from the consumption of Alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and or use of unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Applicant's history, and it is incumbent upon Applicant to ensure such physician knowledge. If prescribed medication, APPLICANT SHALL CAUSE the attending physician to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the Board office by the prescribing physician, within ten (10) days of the date of the prescription.

8. That Applicant shall through the Board's agent (NCPS, Inc.), submit to random blood alcohol drug screens.

9. That Applicant shall be responsible daily for telephoning NCPS, Inc., Voice Response (VR) at 1-800-580-1099. That said drug screen shall be administered through the policies and procedures of the National Confederation of Professional Services, Inc., (NCPS, Inc.), utilizing LabCorp facilities. That said drug-screening panel shall consist of the following:

Alcohol (Ethanol)	Cannabinoids	Methaqualone
Amphetamines	Cocaine	Opiates
Barbiturates	Meperidine	Phencyclidine
Benzodiazepines	Methadone	Propoxyphene

Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Applicant. Any report of failure to contact NCPS, Inc., and/or a positive drug screen for which the Applicant does not have a valid prescription, will be regarded as non-compliance with the terms of this Order and may subject the Applicant to further disciplinary action by the Board.

10. That Applicant pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's ratification of the Order, and continuing thereafter until the successful completion of Applicant's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Applicant to make any quarterly payment on time shall constitute a violation of Probation.

11. That Applicant shall return their license to the Board office for a replacement license marked "PROBATION" and pay a license re-issue fee in the amount of twenty (\$20.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said return of license and fee shall be made not later than thirty (30) days following the date of the Board's ratification of the Agreed Board Order. Said license and fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Applicant to return said license or pay said fee shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 25<sup>th</sup> day of April, 2003.

APPROVED:

Jim Parker  
JIM PARKER  
Attorney for Applicant

Jenny Marlin  
Signature of Applicant

1550 CR 207  
Current Address

Blanket, Texas 76432  
City, State and Zip

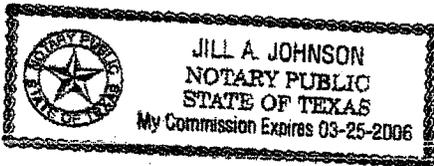
254 842-5405  
Area Code and Telephone Number

FIRST AMENDED AGREED BOARD ORDER  
RE: JENNY LYNN MARLIN, EXAM APPLICANT  
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The State of Texas  
County of Comanche

Before me, the undersigned authority, on this day personally appeared JENNY LYNN MARLIN, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

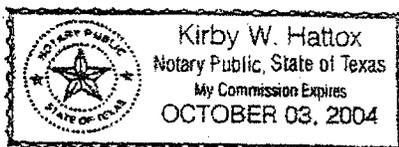
SWORN TO AND SUBSCRIBED before me on this the 25<sup>th</sup> day of April, 2003.



Jill A. Johnson  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

Terrie L. Hairston  
Terrie L. Hairston, R.N., C.H.E.,  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 10<sup>th</sup> day of June, 2003.

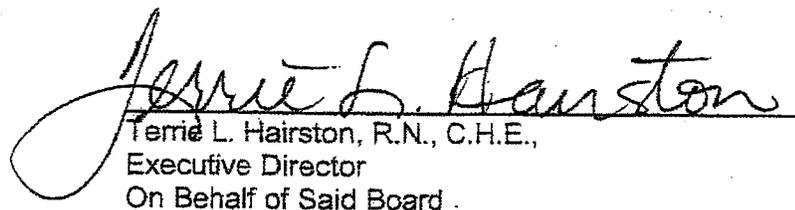


Kirby W. Hattox  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

BOARD ORDER  
RE: JENNY LYNN MARLIN, EXAM APPLICANT  
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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 25<sup>th</sup> day of April, 2003 by JENNY LYNN MARLIN, Applicant and that Said Order is Final.

Effective this 10<sup>th</sup> day of June, 2003.

  
Terrie L. Hairston, R.N., C.H.E.,  
Executive Director  
On Behalf of Said Board .

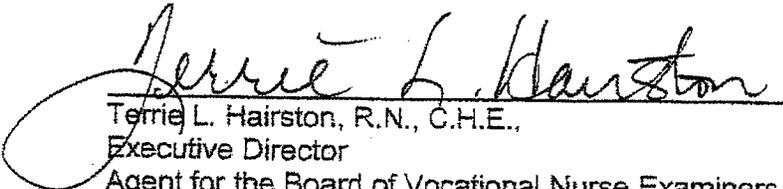
BOARD ORDER  
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CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of June, 2003, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

JENNY LYNN MARLIN  
1550 COUNTRY ROAD 207  
BLANKET, TEXAS 76432

JIM PARKER  
ATTORNEY AT LAW  
306 NORTH AUSTIN  
COMANCHE, TEXAS 76442

  
Terrie L. Hairston, R.N., C.H.E.,  
Executive Director  
Agent for the Board of Vocational Nurse Examiners



## BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

(512) 305-8100

June 13, 2003

JENNY LYNN MARLIN  
1550 COUNTRY ROAD 207  
BLANKET, TEXAS 76432

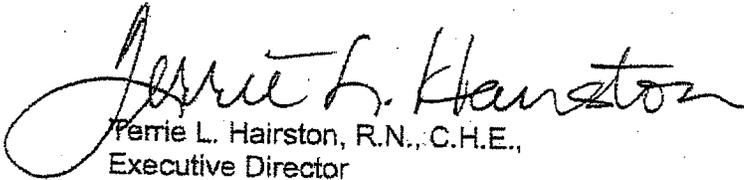
Dear Ms. Marlin:

The enclosed Agreed Board Order has been ratified by the Board of Vocational Nurse Examiners, and it is now in effect.

After you are licensed, our Enforcement Division will send you additional information concerning the reports or documentation required during the course of your probation.

If you have any questions concerning this matter, please contact the Enforcement Division.

Sincerely,

  
Ferrie L. Hairston, R.N., C.H.E.,  
Executive Director

LGP/cd

Enclosure: Agreed Board Order

cc: JIM PARKER  
ATTORNEY AT LAW  
306 NORTH AUSTIN  
COMANCHE, TEXAS 76442



## Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701  
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: [www.bne.state.tx.us](http://www.bne.state.tx.us)

Katherine A. Thomas, MN, RN  
Executive Director

September 15, 2006

JENNY MARLIN  
1550 CR 207  
BLANKET, TX 76432

Dear Ms. Marlin:

Our file reflects that all requirements of the Order of the Board entered on June 10, 2003, have been met.

Please return your current wallet-sized license along with a copy of this letter. We will then issue you a license without the stipulated designation.

If you have any questions, please contact me at (512) 305-7667.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Hudson".

Carolyn Hudson  
Investigator  
Monitoring

:ch

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### Members of the Board

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