



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.
William A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

| | | |
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| In the Matter of | § | AGREED |
| Vocational Nurse License Number 145822 | § | |
| issued to MARY LYNN GILCREASE | § | ORDER |

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that MARY LYNN GILCREASE, hereinafter referred to as Respondent, Vocational Nurse License Number 145822, may be subject to discipline pursuant to Section 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was held on September 25, 2012, 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 Nancy Roper Willson, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, FAAN, Executive Director; John R. Griffith, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Cynthia A. Smith, Supervising 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(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Gulf Area Vocational Technical School, Abbeville, Louisiana, on March 16, 1984. Respondent was licensed to practice vocational nursing in the State of Texas on December 29, 1993.
5. Respondent's nursing employment history includes:

| | |
|-------------|---------|
| 1984 - 1994 | Unknown |
|-------------|---------|

Respondent's nursing employment history continued:

| | | |
|------------------|--|---|
| 1995 - 2006 | Founder and President | Gilcrease Consulting and Management, Inc. Texas |
| 1999 -2008 | Founder and President Resource Guide | Senior Options Houston, Texas |
| 2001 - 2007 | Co-founder and Vice President | Elder Special Forces Austin, Texas |
| 2006 - Present | Founder and President | Concierge Unlimited Plano, Texas |
| 11/2008 - 2/2011 | Supervisor/Administrator and Vocational Nurse | Shanahan Holdings, LLC d/b/a Senior Helpers Richardson, Texas |

6. At the time of the initial incident, Respondent was employed as an Administrator with Senior Helpers, Richardson, Texas, had been in this position for one (1) year and three (3) months.
7. While employed as Administrator and LVN with Senior Helpers, Richardson, Texas, and assigned as care manager of Patient BW, Respondent violated patient/nurse professional boundaries in that Respondent was designated as Patient BW's Power of Attorney and Medical Power of Attorney. Respondent performed the duties of Patient BW's Power of Attorney, which included writing and signing personal checks and making decisions regarding Patient BW's financial affairs. Respondent's conduct was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient.
8. While employed as Administrator and LVN with Senior Helpers, Richardson, Texas, and assigned as care manager to Patient BE, Respondent violated patient/nurse professional boundaries in that she kept Patient BW's artwork and silver items in the trunk of her car with the intent of having this items appraised. Additionally, Respondent made statements to staff at Senior Helpers about "cashing in" Patient BW's CDs and selling patient BW's silver in order to pay bills for Patient BE. Respondent's conduct was a violation of patient/nurse professional boundaries which could have resulted in confusion between the needs of the nurse and those of the patient.

9. In response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent states Patient BW was admitted to Senior Helpers as a personal care client for four-hour shifts, however, when she assessed Patient BW, she noted that Patient BW was alert and oriented but noted that Patient BW was bedridden and unable to demonstrate to her that she could stand without assistance. Additionally, Respondent states that the patient's home was in deplorable condition because the patient was a hoarder of cats. Respondent contends that she felt that Patient BW required 24 hour care. As a case manager with her own care management business, Respondent asserts that she continued to assist Patient BW with staffing, coordination of services and other activities, which included assisting Patient BW pay her bills by writing the checks and having Patient BW signed them. Additionally, Respondent claims that there were overdue bills and in order to speak with these agencies, Respondent would need to get permission from BW in order to assist her with these issues. According to Respondent, Patient BW asked her if she [Respondent] would just pay her bills for her so, Respondent explained what a Power of Attorney was and Patient BW stated that was what she wanted. Respondent states she became both her Power of Attorney and Medical Power of Attorney for Patient BW and assisted Patient BW with her financial affairs, changed her care givers to live-in vs. "awake" staff to save her money and helped her choose other services she was not happy with. Respondent adds that she contacted APS to report Patient BW's activities and ask for guidance and they told her since she was doing such a good job to continue what she was doing. Respondent reports that she contacted APS in January 2011 to report that Patient BW was running out of money, however, no one contacted her so Patient BW's physician stepped in and had her transferred to Carrollton Health and Rehab. Respondent states that Patient BW hired an attorney to assist her with medicaid planning and while they were at the nursing home, TXDADS arrived stating they were there to assess possible guardianship. Respondent contends they asked her if she wanted to be the guardian and so she agreed to do so.
10. On June 15, 2011, Respondent completed a nursing jurisprudence course, which would have been a requirement of this Order.
11. On September 18, 2012, Respondent completed the course "Respecting Professional Boundaries," which would have been a requirement of this Order.

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(s) of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(J) and 22 TEX. ADMIN. CODE §217.12(6)(C)&(D).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 145822, heretofore issued to MARY LYNN GILCREASE, including revocation of Respondent's license(s) 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 RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are 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 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, 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. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/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 AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(2) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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(s). 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.

(3) 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.

(4) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational 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. *Respondent may remain employed with BrightStar of Dallas as long as she complies with the indirect supervision requirements stated above, which would require that another nurse accompany Respondent if she conducts home visits.*

(5) 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 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 one (1) year(s) of employment as a nurse.

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

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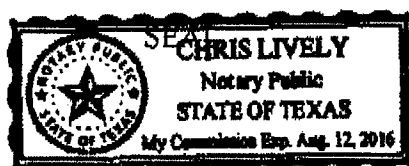
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) 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(s) to practice nursing in the State of Texas, as a consequence of my *noncompliance*.

Signed this 21 day of Nov, 2012.

Mary Lynn Gilcrease
MARY LYNN GILCREASE, RESPONDENT

Sworn to and subscribed before me this 21 day of NOVEMBER 2012.



[Signature]
Notary Public in and for the State of TEXAS

Approved as to form and substance. [Signature]

Nancy Proper Willson
NANCY PROPER WILLSON, Attorney for Respondent

Signed this 26th day of November, 2012.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 21st day of November, 2012, by MARY LYNN GILCREASE, Vocational Nurse License Number 145822, and said Order is final.

Effective this 18th day of December, 2012.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", written in black ink.

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