



Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED  
Registered Nurse License Number 763523 §  
issued to HILARY KATHRYN BEST § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of HILARY KATHRYN BEST, Registered Nurse License Number 763523, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

## FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice professional nursing in the State of Texas is currently in delinquent status.
4. Respondent received an Associate Degree in Professional Nursing from Kilgore College, Kilgore, Texas on December 12, 2008. Respondent was licensed to practice professional nursing in the State of Texas on January 8, 2009.
5. Respondent's professional nursing employment history includes:

01/2009 - 04/2010

RN-ER

Good Shepherd Medical Center  
Marshall, Texas

Respondent's professional nursing employment history continued:

06/2010 - 03/2011	RN	Methodist Charlton Medical Center Dallas, Texas
05/2011 - 07/2012	RN	Good Shepherd Medical Center Marshall, Texas
07/2012 - Present	Unknown	Harrison County Sheriff's Department Marshall, Texas

6. At the time of the initial incidents, Respondent was employed as a Registered Nurse with Good Shepherd Medical Center, Marshall, Texas, and had been in that position for one (1) year and two (2) months.
7. On or about March 6, 2012, became delinquent in the repayment of her Texas Guaranteed Student Loan, as provided for in Section 57.491 of the Texas Education Code. Further, the Respondent's Texas Guaranteed Student Loan currently remains in delinquent status. Respondent's failure to repay her Texas Guaranteed Student Loan may have deprived other applicants of funds for nursing school loans.
8. On or about June 20, 2012, through July 17, 2012, while employed with Good Shepherd Medical Center, Marshall, Texas, Respondent withdrew Dilaudid from the Pyxis system for patients but failed to document, or completely and accurately document, the administration of the medication, including signs, symptoms, and responses to the medication, in the patients' Medication Administration Records. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose.
9. On or about June 20, 2012, through July 17, 2012, while employed with Good Shepherd Medical Center, Marshall, Texas, Respondent withdrew Dilaudid from the Pyxis system for patients without a valid physician's order. Respondent's conduct was likely to deceive the pharmacy. Further, possession of Dilaudid through use of an unauthorized prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On or about June 20, 2012, through July 17, 2012, while employed with Good Shepherd Medical Center, Marshall, Texas, Respondent withdrew Dilaudid from the Pyxis system for patients but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medication. Also, Respondent failed to document proper wastage. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

11. On or about June 20, 2012, through July 17, 2012, while employed with Good Shepherd Medical Center, Marshall, Texas, Respondent misappropriated Dilaudid from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
12. In response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent acknowledges that her documentation was incomplete and sometimes absent altogether. Respondent explains that it was common practice in the facility for a physician to give verbal medications orders. Respondent would carry out these verbal physician orders with intention of writing it down later, which she forgot to do at times. As a result of this practice, she failed to document wastage in certain cases because of the busy nature of her practice. Respondent believes that not all Dilaudid withdrawals attributed to her actually occurred and were the result of Pyxis malfunctions.
13. Formal Charges were filed on January 30, 2013. First Amended Formal Charges were filed on April 17, 2013.
14. Formal Charges were mailed to Respondent on January 31, 2013. First Amended Formal Charges were mailed to Respondent on April 17, 2013.
15. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
16. 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.
17. 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 violation(s) of 22 TEX. ADMIN. CODE § 217.11(1)(A), (B) & (D) and 22 TEX. ADMIN. CODE § 217.12(1)(A)&(B), (4), (6)(G), (7), (10)(C) & (11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 763523, heretofore issued to HILARY KATHRYN BEST, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

#### ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 763523, heretofore issued to HILARY KATHRYN BEST, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered 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 nursing in the State of Texas.

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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

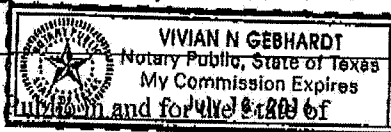
Signed this 25 day of April, 2013.

Hilary Kathryn Best  
HILARY KATHRYN BEST, Respondent

Sworn to and subscribed before me this 25 day of April, 2013

Vivian N Gebhardt

SEAL



Notary Public and for the State of Texas

Approved as to form and substance.

Andre D'Souza

Andre D'Souza, Attorney for Respondent

Signed this 25 day of APRIL, 2013.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 763523, previously issued to HILARY KATHRYN BEST.

Effective this 25th day of April, 2013.

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

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