

IN THE MATTER OF  
PERMANENT VOCATIONAL NURSE  
LICENSE NUMBER 220741  
ISSUED TO  
MARILYN ANN HILL

§  
§  
§  
§  
§

BEFORE THE TEXAS  
BOARD OF NURSING  
ELIGIBILITY  
AND  
DISCIPLINARY COMMITTEE



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. Plummer*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: MARILYN ANN HILL  
307 NORTH JORDANS STREET  
WHITESBORO, TX 76273

During open meeting held in Austin, Texas, on **Wednesday, November 12, 2014**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 220741, previously issued to MARILYN ANN HILL, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 12th day of November, 2014.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed September 25, 2014.

Re: Permanent Vocational Nurse License Number 220741  
Issued to MARILYN ANN HILL  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2014, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

MARILYN ANN HILL  
307 NORTH JORDANS STREET  
WHITESBORO, TX 76273

Via USPS First Class Mail

MARILYN ANN HILL  
307 NORTH JORDANS STREET  
WHITESBORO, TX 76273

*Katherine A. Thomas*

BY:

\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



## Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701  
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

**Katherine A. Thomas, MN, RN, FAAN**  
*Executive Director*

September 25, 2014

Certified Mail No. 91 7199 9991 7030 8814 4306  
Return Receipt Requested

MARILYN ANN HILL  
307 NORTH JORDANS STREET  
WHITESBORO, TX 76273

Dear MARILYN ANN HILL:

Enclosed are Formal Charges which have been filed against you because your pending alleged violation(s) of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code, have not been resolved. Within three weeks from the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Send your written answer to the attention of Sierra Ready, Investigator, at the above address. You may obtain legal counsel at your own expense.

**FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.**

If a written answer to the Formal Charges is not received within three weeks from the date of this letter, this matter will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The result of any disciplinary action, including any default order or formal disposition (Board Order), is public information. Dispositions, including default orders and formal dispositions, will appear in the Board's quarterly newsletter and will be reported to the National Council of State Boards of Nursing, Inc., and the National Practitioner Data Bank (NPDB).

### Members of the Board

Kathleen Shipp, MSN, RN, FNP  
Lubbock, *President*

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El Paso  
Beverley Jean Nutall, LVN  
Bryan

MARILYN ANN HILL

August 13, 2014

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Should you desire to discuss this matter, contact Sierra Ready, Investigator, at (512) 305-6867.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine A. Thomas". The signature is written in a cursive style with a large initial "K".

Katherine A. Thomas, MN, RN, FAAN  
Executive Director

KAT/246

Enclosure: Formal Charges

DA(2013.05.15)

In the Matter of § BEFORE THE TEXAS  
Permanent Vocational Nurse §  
License Number 220741 §  
Issued to MARILYN ANN HILL, §  
Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARILYN ANN HILL, is a Vocational Nurse holding License Number 220741, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### CHARGE I.

Respondent is currently in default and has failed to repay her Texas Guaranteed Student Loan, as required by Texas Education Code §57.491. Respondent's failure to repay her Texas Guaranteed Student Loan may have deprived other applicants of funds for nursing school loans.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(7).

#### CHARGE II.

On or about January 19, 2014, while employed at Homestead of Collinsville, Collinsville, Texas, Respondent was observed taking "a pill" at the nurses station. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A).

#### CHARGE III.

On or about January 19, 2014, while employed at Homestead of Collinsville, Collinsville, Texas, Respondent was observed to be over-sedated while on duty, and walking erratically and stumbling, to the point of having to use a hand rail. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5).

#### CHARGE IV.

On or about January 19, 2014, while employed at Homestead of Collinsville, Collinsville, Texas, Respondent was found with three (3) controlled drug count sheets in her purse. Respondent's conduct was deceptive, resulted in incomplete pharmacy and medical records, and was likely to injure patients from subsequent care decisions made without the benefit of accurate information.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(E) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(C),(4)&(6)(G).

#### CHARGE V.

On or about January 19, 2014, while employed at Homestead of Collinsville, Collinsville, Texas, Respondent was found with three (3) controlled drug count sheets in her purse. Respondent's conduct was likely to injure the patients of the facility from unauthorized disclosure of confidential information which violated the patient's right to privacy and constitutes a HIPAA (The Health Insurance Portability and Accountability Act) violation.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(E) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(1)(C).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

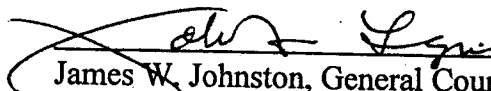
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and for Fraud, Theft and Deception, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

Filed this 24th day of September, 20 14.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

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