

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Registered Nurse License Number 830816
issued to RACHEL MILLER DILLON

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RACHEL MILLER DILLON, Registered Nurse License Number 830816, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 30, 2021.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas, on December 1, 2012. Respondent was licensed to practice professional nursing in the State of Texas on January 31, 2013.
5. Respondent's nursing employment history includes:

1/2013 – 4/2015

RN

East Texas Medical Center
Tyler, Texas

Respondent's nursing employment history continued:

5/2015 – 6/2015	Surgery Supervisor	Dermatology Associates of Tyler Tyler, Texas
7/2015 – 7/2015	Unknown	
8/2015 – 2/2018	RN	Tyler ContinueCARE Hospital Tyler, Texas
2/2018 – 11/2020	RN Charge Nurse	Tyler ContinueCARE Hospital Tyler, Texas
11/2020 – 5/2021	Float Pool RN	Christus Trinity Mother Frances Hospital Tyler, Texas
5/2021 – Present	Director of Health Services	Prestige Estates Assisted Living & Memory Care, Tyler, Texas

6. At the time of the incident, Respondent was employed as an RN Charge Nurse with Tyler ContinueCARE Hospital, Tyler, Texas, and had been in that position for two (2) years and eight (8) months.
7. On or about October 27, 2020, while employed as a Registered Nurse (RN) in the Quality Department of Tyler ContinueCARE Hospital, Tyler, Texas, Respondent exceeded her scope of practice by instructing the primary nurse of Patient Number 026661374 [WM] to let the patient's vasoactive drips run out and let the patient die. Additionally, after the primary nurse refused, Respondent instructed her to go to lunch so that Respondent could watch her patient and let the drugs run out. The patient's responsible party had instructed the physician that he wanted to continue with life-saving interventions. Respondent's conduct violated the wishes of the patient's family and was contrary to the actual physician's order.
8. In response to Finding of Fact Number Seven (7), Respondent admits she made a comment to the primary nurse to let the drips run dry before she goes back in there to hang the next one, and that his body was dying and if she wasn't standing there spiking the next bag before it ran dry the patient might be able to die naturally. Respondent states the patient was on four drips at high rates and the pharmacist had notified her that she was concerned about the hospital running out of medication. Respondent adds that she became emotional seeing the patient in that state and was concerned about the patient's prolonged suffering due to the family being unable to make the decision to withdraw care.

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)(B),(1)(M)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
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 830816, heretofore issued to RACHEL MILLER DILLON.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the

Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that 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. Home study and video programs will not be approved.
- B. **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.

- C. **The course "Professional Accountability,"** a 4.6 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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

- C. **Indirect Supervision by RN Consultant for Current Position:** While under the terms of this Order and employed as the Director of Health Services at Prestige Estates Assisted Living and Memory Care, Tyler, Texas, RESPONDENT SHALL be supervised by the facility's RN Consultant. While the RN Consultant is on the premises, the RN Consultant must be readily available to provide assistance and intervention if necessary. When the supervising RN Consultant is "on-call," it shall be acceptable for purposes of this order for the RN Consultant to be available to RESPONDENT via telephone as a resource and supervisor. RESPONDENT SHALL provide the full name and licensure information of the supervising RN Consultant to the Board within five (5) days of receipt of this Order and will keep the Board informed within ten (10) days of any changes in the RN Consultant while under the terms of this order. Multiple employers are prohibited.
- D. **Indirect Supervision for Subsequent Positions, if any:** Should RESPONDENT'S current employment as the Director of Health Services at Prestige Estates Assisted Living and Memory Care, Tyler, Texas, cease or change will under the terms of this Order, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered 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 of 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.
- E. **Nursing Performance Evaluations:** 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas

Occupations Code Chapter 304, Article III, RESPONDENT may 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 Order. I waive representation by counsel. 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 entry of this 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 Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22 day of June, 2021.

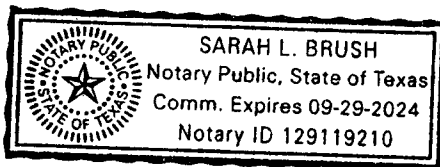
Rachel Dillon

RACHEL MILLER DILLON, RESPONDENT

Sworn to and subscribed before me this 22ND day of JUNE, 2021.

SEAL

Sarah L. Brush



Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of June, 2021, by RACHEL MILLER DILLON, Registered Nurse License Number 830816, and said Agreed Order is final.

Effective this 10th day of August, 2021.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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