

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.

**In the Matter of  
Permanent Registered Nurse  
License Number 772216  
Issued to MERRIN DAWN TEBBY,  
Respondent**

**§ BEFORE THE TEXAS  
§ BOARD OF NURSING  
§ ELIGIBILITY AND  
§ DISCIPLINARY COMMITTEE**

**ORDER OF THE BOARD**

TO: Merrin Tebby  
818 Egyptian  
Corpus Christi, TX 78412

During open meeting held in Austin, Texas, on November 14, 2023, 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 Registered Nurse License Number 772216, previously issued to MERRIN DAWN TEBBY 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 14<sup>th</sup> day of November, 2023.

TEXAS BOARD OF NURSING

BY: *Kristen K. Benton, DNP, RN*

KRISTIN K. BENTON, DNP, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed August 22, 2023

d17r(2023.10.09)

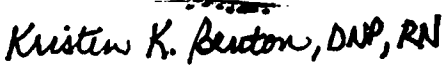
Re: Permanent Registered Nurse License Number 772216  
Issued to MERRIN DAWN TEBBY  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of November, 2023 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,  
Copy Via USPS First Class Mail

Merrin Tebby  
818 Egyptian  
Corpus Christi, TX 78412

  
*Kristin K. Benton, DNP, RN*

BY: \_\_\_\_\_

KRISTIN K. BENTON, DNP, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of  
Permanent Registered Nurse  
License Number 772216  
Issued to MERRIN DAWN TEBBY,  
Respondent**

§ **BEFORE THE TEXAS**  
§  
§  
§ **BOARD OF NURSING**  
§

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MERRIN DAWN TEBBY, is a Registered Nurse holding license number 772216, 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.**

On or about April 6, 2023, Respondent's Privilege to Practice (PTP) nursing in the State of New Hampshire was suspended by The State of New Hampshire, Office of Professional Licensure and Certification. A copy of the Order of Suspension, dated April 6, 2023, is attached, and incorporated by reference.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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) and/or privilege(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.

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).

**BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.**

**CONTINUED ON NEXT PAGE.**

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

Filed this 22nd day of August, 2023.

TEXAS BOARD OF NURSING

---

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

JoAnna Starr, Assistant General Counsel  
State Bar No. 24098463

Jacqueline A. Strashun, Assistant General Counsel  
State Bar No. 19358600

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

1801 Congress Avenue, Suite 10-200  
Austin, Texas 78701  
P: (512) 305-8657  
F: (512) 305-8101 or (512) 305-7401

D(2023.07.07)

**STATE OF NEW HAMPSHIRE  
OFFICE OF PROFESSIONAL  
LICENSURE AND CERTIFICATION**

---

**BOARD OF NURSING**

**In Re: Merrin Dawn Tebby, RN  
RN Lic. # 772216- Texas Multi-State**

Docket No.: 2023-NUR-020

**ORDER OF EMERGENCY  
SUSPENSION - 04/06/23**

---

**I. CASE SUMMARY/PROCEDURAL HISTORY:**

On or about 03/15/23, the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”), acting on behalf of the Board of Nursing (“Board”), received a complaint alleging concerns that Merrin Dawn Tebby, RN (“Respondent”) engaged in unprofessional conduct by allegedly diverting or attempting to divert controlled substances from Portsmouth Regional Hospital, Portsmouth, N.H. On 04/04/23, the Board voted to suspend the Respondent’s privilege to practice in N.H. on an emergency basis pursuant RSA 541-A:30(III), RSA 310-A:1-m, RSA 326-B:37(IV), N.H. Code Admin. R., Title Nur 402.03(a) (“Rules”), and/or N.H. Code Admin. R., Title Plc 206.07 (“Plc”). This Order of Emergency Suspension follows.

**II. LEGAL STANDARD:**

“In cases involving imminent danger to public health, safety, or welfare, the board may order the immediate suspension of a license pending an adjudicative proceeding.” RSA 326-B:37, IV. The Board has further interpreted that to mean: “[w]hen the board receives information indicating that a licensee has engaged misconduct that poses an immediate danger to public health, safety, or welfare, the board shall, pursuant to RSA 326-B:37, IV, immediately suspend such person’s license ...” Rule 402.03(a).

## II. EVIDENCE PRESENTED AND FINDINGS OF FACT:

### A. Evidence Presented

The Board was presented with and/or considered the following evidence:

- 1) Complaint with supporting documentation, (received 03/15/2023). *See Exhibit 1*
- 2) Verified Petition for Emergency Suspension of Privilege.
- 3) Testimony of Briana Miller, OPLC Investigative Paralegal

The Board also relied on its medical expertise and knowledge of the field of nursing. A review of the credible evidence presented, and the reasonable inferences taken therefrom, allows the Board to make the following findings of fact.

### B. Findings of Fact

The Respondent is a traveling nurse who has privileges to practice in New Hampshire as a Registered Nurse (“RN”) with multi-state license number 772216. The Respondent was working at Portsmouth Regional Hospital, Portsmouth, N.H. On 03/15/2023 OPLC Enforcement received a complaint alleging that the Respondent engaged in unprofessional conduct by diverting or attempting to divert controlled substances. Following the weekend of 02/18/2023-02/20/2023, several nurses raised concerns that the Respondent’s behavior during her shifts was “distracting” and they reported she was not following policy during the “wasting” of narcotics. The Respondent’s work was subject to audit which reviewed every controlled substance removal, administration, waste or return dating back to the start of her employment. <sup>1</sup> The audit evidenced several irregularities regarding the Respondent’s “wasting” of hydromorphone. *See Exhibit 1.* The Respondent was interviewed by hospital staff on 2/21/2023 and agreed to be drug tested. She acknowledged that she would test positive for marijuana, hydromorphone, and oxycontin. <sup>2</sup> On 2/21/2023 the Respondent was unable to produce a sample for her urine screen and

---

<sup>1</sup> The Respondent began her contracted employment with Portsmouth Regional Hospital on January 12, 2023.

<sup>2</sup> The Respondent stated that she was not prescribed oxycontin.

[Type here]

she failed to submit to hair follicle testing as required. The Respondent's employment contract was terminated as a result. On 4/04/2023 OPLC Investigative Paralegal Brianna Miller spoke with Ann Urbanowicz-Williams, (Director of Pharmacy at Portsmouth Regional Hospital), who advised that video footage had been reviewed, and it was determined that the Respondent was responsible for six (6) missing syringes of 1mg/1ml Dilaudid/Hydromorphone.

#### **IV. DISCUSSION AND CONCLUSIONS OF LAW:**

The Board finds there is a reasonable basis to suspend the Licensee's privileges to practice as an RN in New Hampshire on an emergency basis. The central facts are straightforward— Respondent is alleged to have engaged in unprofessional conduct by diverting or attempting to divert controlled substances. The Respondent's controlled substance removal, administration, waste or return evidenced irregularities. The Respondent acknowledged she would test positive for marijuana, hydromorphone, and oxycontin. The Respondent never submitted to drug screening and deemed to be responsible for six (6) missing syringes of Dilaudid/ Hydromorphone. These facts demonstrate that the Respondent poses an imminent threat to the public health, safety, or welfare. Despite the Respondent's termination of her contract employment, the Board, using its knowledge and expertise in the profession, finds the Respondent could easily regain employment using her multistate license. The Respondent's conduct, on its face, therefore, warrants immediate emergency suspension of her privileges pursuant to RSA 541-A:30(III) and RSA 326-B:37(IV), pending a follow-up emergency suspension hearing. Pursuant to the requirements of Rule 402.03(a), such conduct also appears, on its face, that it may be misconduct as defined at RSA 326-B:37, II(e), (h), (l), (m), (p), and/or (q)(2).

[Type here]



**IV. ORDERS:**

Pursuant to RSA 541-A:30(III), RSA 310-A:1-m, and 326-B:37(IV), the Board hereby orders the immediate emergency suspension of Merrin Dawn Tebby's privilege to practice as a RN in the State of New Hampshire, pending a follow-up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 4/6/2023

\_\_\_\_\_/s/ Shane D. Goulet, Esq. \_\_\_\_\_  
Hearings Examiner  
Authorized Representative of the Board of Nursing-  
New Hampshire Office of  
Professional Licensure & Certification  
7 Eagle Square  
Concord, NH 03301

[Type here]