

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 608140 §
issued to MICHELLE YVETTE MARRS § ORDER



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.
Katherine A. Thomas
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHELLE YVETTE MARRS, Registered Nurse License Number 608140, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated TEX. REV. CIV. STAT. ANN 4525(b),(2)&(9)(effective 9/1/1993), Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 26, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from College of the Mainland, Texas City, Texas, on May 6, 1994. Respondent was licensed to practice professional nursing in the State of Texas on July 20, 1994.
5. Respondent's nursing employment history is unknown.

6. On or about March 3, 1994, Respondent submitted an Application for Licensure for Graduates of Schools in the United States to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information in that she answered "No" to the question:

"Have you ever been convicted of a crime other than minor traffic violations?"

Respondent failed to disclose the following:

On or about July 1, 1986, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED (a Class A misdemeanor offense committed on May 1, 1986), in the County Criminal Court at Law No. 11 of Harris County, Texas, under Cause No. 891895. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of one hundred eighty (180) days; however, the imposition of sentence of confinement was suspended and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.

On or about November 14, 1990, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a misdemeanor offense committed on August 19, 1990), in the County Court of Galveston County, Texas, under Cause No. 114677. As a result of the conviction, Respondent was sentenced to confinement in the County Jail for a period of one (1) year; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs.

7. On or about August 19, 1996, Respondent was arrested by the Kinney County Sheriff's Office, Brackettville, Texas, and charged with DRIVING WHILE INTOXICATED 2ND (a Class A misdemeanor offense), under Cause No. 7369. On or about March 19, 1997, Cause No. 7369 was dismissed in the County Court of Kinney County, Texas, for the reason: "The defendant will plead in another case." On or about March 19, 1997, Respondent entered a plea of Guilty and was convicted of OBSTRUCTING HIGHWAY (an offense committed on August 19, 1996), in the County Court of Kinney County, Texas, under Cause No. 7484. As a result of the conviction, Respondent was ordered to pay a fine and court costs.
8. In response to Findings of Fact Numbers Six (6) and Seven (7), Respondent states that this was a lifetime ago, she was young, and made poor choices. She acknowledges the convictions and has fulfilled all conditions of the court.

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 violations of TEX. REV. CIV. STAT. ANN 4525(b), (2)&(9)(effective 9/1/1993), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.13(17)(effective 9/1/1993).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 608140, heretofore issued to MICHELLE YVETTE MARRS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION WITH A FINE, 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 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 State of Texas 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 a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for re-licensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL pay a monetary fine in the amount of five hundred (\$500) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations 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 when this Order becomes final and the terms of this Order become effective, 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 16 day of March, 2011.

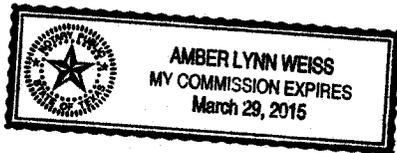
Michelle Marris
MICHELLE YVETTE MARRS, Respondent

Sworn to and subscribed before me this 16th day of March, 2011.

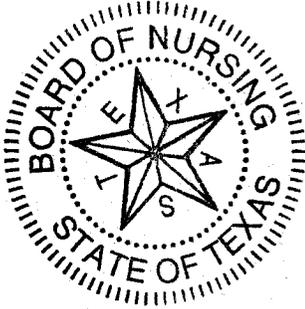
SEAL

Amber Weiss

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 16th day of March, 2011, by MICHELLE YVETTE MARRS Registered Nurse License Number 608140, and said Order is final.



Effective this 25th day of March, 2011.

A handwritten signature in cursive script, reading 'Katherine A. Thomas', is written over a horizontal line.

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