

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of License Number 056937  
issued to MARILEE M. DENSON

§  
§

AGREED  
ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 056937, issued to MARILEE M. DENSON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453 (c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference 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.
2. Respondent waived representation by counsel, 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 a Certificate in Vocational Nursing from South Plains College, Lubbock, Texas, on July 19, 1973. Respondent was licensed to practice vocational nursing in the State of Texas on July 19, 1973.
5. Respondent's complete vocational nursing employment history is unknown.
6. On or about September 14, 2004, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required her to apply and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, conclusions of Law, and Agreed Order dated September 14, 2004, is attached and incorporated by reference as part of this Order.

7. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Emerald Healthcare - Rolling Plains Regional Jail and Detention Center, Haskell, Texas, and had been in this position for seven (7) months.
8. On or about October 30 - 31, 2004, while employed with Emerald Healthcare - Rolling Plains Regional Jail and Detention Center, Haskell, Texas, Respondent misappropriated sixty (60) Darvocet N100 tablets, including the control sheet, belonging to the facility and the patients thereof, and/or failed to take precautions to prevent such misappropriation. When confronted by the Deputy Sheriff, Respondent admitted to misappropriating sixty (60) Darvocet N100 and previously misappropriating thirty (30) Tylenol #3 tablets from the facility. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
9. On or about October 30 - 31, 2004, while employed with Emerald Healthcare - Rolling Plains Regional Jail and Detention Center, Haskell, Texas, Respondent engaged in the intemperate use of Darvocet N100 and Tylenol #3. Possession of Darvocet N100 and Tylenol #3 is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Darvocet N100 and Tylenol #3 by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
10. On or about October 29, 2004, Respondent failed to comply with the Agreed Order issued on September 14, 2004, by the Board of Nurse Examiners for the State of Texas. Non-compliance is the result of Respondent's failure to enroll and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). Stipulation number one (1) of the Agreed Order dated September 14, 2004, states in pertinent part that: (1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN.
11. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.
12. 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.
13. 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 of Section 301.452 (b) (1), (9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE § 217.12 (5), (6) (G), (10) (A), (11) (B).
4. The evidence received is sufficient cause pursuant to Section 301.453 (d), Texas Occupations Code, to take disciplinary action against License Number 056937, heretofore issued to MARILEE M. DENSON, including revocation of Respondent's vocational license 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 License Number 056937, heretofore issued to MARILEE M. DENSON, to practice vocational nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to MARILEE M. DENSON, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "licensed vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a licensed vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a licensed vocational nurse during the period in which the license is surrendered.
3. 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.

4. 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 multistate privilege, if any, to practice vocational nursing in the State of Texas.

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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 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 21 day of January, 2005.

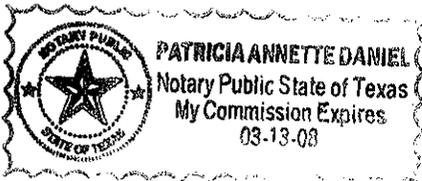
Marilee M. Denson  
MARILEE M. DENSON, Respondent

Sworn to and subscribed before me this 21 day of January, 2005.

Patricia Annette Daniel

Notary Public in and for the State of Texas

SEAL



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 056937, previously issued to MARILEE M. DENSON.

Effective this 28th day of January, 2005.



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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of License Number 056937    §    AGREED  
issued to MARILEE M. DENSON            §    ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MARILEE M. DENSON, Vocational Nurse License Number 056937, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402 (a) (9) & (10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on July 19, 2004, 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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from South Plains College, Lubbock, Texas, on July 19, 1973. Respondent was licensed to practice vocational nursing in the State of Texas on July 19, 1973.
5. Respondent's complete vocational nursing employment history is unknown.
6. At the time of the incident, Respondent was employed as a Staff Nurse with Hendrick Medical Center, Abilene, Texas.

7. On or about October 2003, through November 2003, while employed with Hendrick Medical Center, Abilene, Texas, Respondent misappropriated Darvocet and narcotics belonging to the facility and/or the patients thereof, or failed to take precautions to prevent such misappropriation. Respondent admitted that she misappropriated Darvocet and substituted placebos. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. On or about October 2003, through November 2003, while employed with Hendrick Medical Center, Abilene, Texas, Respondent engaged in the intemperate use of Darvocet (Propoxyphene Napsylate). Possession of Propoxyphene Napsylate is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene Napsylate by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about October 2003, through November 2003, while employed with Hendrick Medical Center, Abilene, Texas, Respondent made false entries in the patients' Medication Administration Record (MAR) and/or nurses notes regarding the administration of narcotics. Respondent admitted to substituting alternative pain medications. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.
10. Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
11. 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.
12. Respondent's conduct described in Findings Seven (7) through nine (9) was significantly influenced by Respondent's impairment by dependency on chemicals.
13. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 302.402 (a) (9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE § 239.11 (1), (2), (3), (4), (27) & (28).

4. The evidence received is sufficient cause pursuant to Section 301.452 (b), Texas Occupations Code, to take disciplinary action against License Number 056937, heretofore issued to MARILEE M. DENSON, including revocation of Respondent's vocational license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§ 301.001 *et seq.*, the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.01 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, and 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of September, 2004.

Marilee Denson

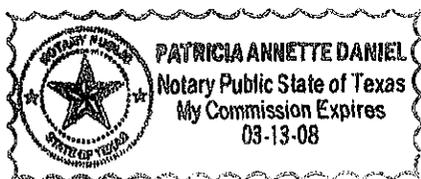
MARILEE M. DENSON, Respondent

Sworn to and subscribed before me this 10 day of September, 2004.

SEAL

Patricia Annette Daniel

Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 10<sup>th</sup> day of September, 2004, by MARILEE M. DENSON, License Number 056937, and said Order is final.

Entered and effective this 14<sup>th</sup> day of September, 2004.



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