BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 244565	§	
issued to MARY HELEN MILLER	§	ORDER

TEXAS BOARD OF NURSING
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.
Executive Director of the Board

On this day, the Texas Board of Nursing, hereinafter referred to as the Bc accepted the voluntary surrender of Registered Nurse License Number 244565, issued to MARY HELEN MILLER, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice 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, 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 Angelo State University, San Angelo, Texas on May 1, 1978. Respondent was licensed to practice professional nursing in the State of Texas on September 1, 1978.

5. Respondent's employment history includes:

6/78 - 12/78	Director of Nursing	Hilltop Nursing Home Kerrville, Texas

Respondent's professional nursing employment history (continued):

1979 - 9/79	Director of Nursing	Edgewater Nursing Home Kerrville, Texas
9/79 - 11/82	Public Health Nurse	State Chest Hospital San Antonio, Texas
12/82 - 9/87	Nursing Supervisor	Kerrville State Hospital Kerrville, Texas
10/87 - 2/97	Nursing Supervisor	Willow Point Nursing Home Vestal, New York
3/97 - 12/09	Unknown	
1/10 - 7/10	Direct Care Worker	Travis House Group Home Fredericksburg, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Direct Care Staff Worker, Travis House Group Home, Fredericksburg, Texas and had been in this position for seven (7) months.

7. On July 9, 2010, while employed as Direct Care Staff Worker, Travis House Group Home, Fredericksburg, Texas, Respondent was physically and emotionally abusive to Consumer GT in that Respondent grabbed Consumer GT by the shirt and pulled him around to look at her while she was speaking. Respondent's conduct caused emotional harm to Consumer GT.

8. In response to Finding of Fact Number Seven (7), Respondent denies that she was employed as a nurse and states she was employed as a direct care service employee. Respondent states that she had made the decision not to renew her license to practice professional nursing due to her weakened health problems. In response to her conduct, Respondent states "...I did not injure Consumer and my only intent was to secure his attention."

9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.

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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(C).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 244565, heretofore issued to MARY HELEN MILLER, including revocation of Respondent's 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 Registered License Number 244565, heretofore issued to MARY HELEN MILLER, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.

3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

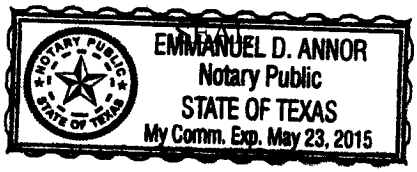
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 8 day of June, 2011.

Mary Helen Miller

MARY HELEN MILLER, Respondent

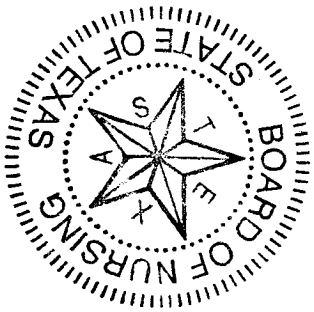
Sworn to and subscribed before me this 8 day of June, 2011.



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 accept the voluntary surrender of Registered Nurse License Number 244565, previously issued to MARY HELEN MILLER.

Effective this 13th day of June, 2011.



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