

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 187265  
ISSUED TO  
MARILYN JEANETTE BARIKOR

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BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE 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.  
*Patricia A. Roman*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: MARILYN JEANETTE BARIKOR  
3525 Walnut Hill #1028  
Irving, Texas 75062

During open meeting held in Austin, Texas, on May 13, 2008, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing 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 to practice vocational 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 Eligibility and Disciplinary 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 § 213.2(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 Certificate Number 187265, previously issued to MARILYN JEANETTE BARIKOR, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 187265, previously issued to MARILYN JEANETTE BARIKOR, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 13th day of May, 2008.

TEXAS BOARD OF NURSING

BY:   
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

CERTIFICATE OF SERVICE

I hereby certify that on the 16<sup>th</sup> day of May, 2008, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

MARILYN JEANETTE BARIKOR  
3525 Walnut Hill #1028  
Irving, Texas 75062

BY:

  
\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 187265, Issued to** §  
**MARILYN JEANETTE BARIKOR, Respondent** § **BOARD OF NURSING**

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARILYN JEANETTE BARIKOR, is a Vocational Nurse holding license number 187265, which is in delinquent 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 January 1, 2005, through March 1, 2005, while employed as a Licensed Vocational Nurse (LVN) with Plaza Health Services at Edgemere, Dallas, Texas, Respondent failed to administer an injectable allergy medication once a week to Resident LM, as ordered by the physician. Documentation in the medical record reflects that the medication was not administered in January or February. Respondent's conduct was likely to injure the resident from non-efficacious treatment and subsequent caregivers would have relied on her documentation while providing further care to the resident.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(B),(1)(C)&(1)(M) and 217.12(1)(A)&(4).

**CHARGE II.**

On or about March 22, 2005, while employed as a LVN with Plaza Health Services at Edgemere, Dallas, Texas, Respondent failed to accurately and completely assess and document the skin condition of Resident LM. Respondent documented that the resident had one decubitus to the right heel upon transfer to the hospital due to respiratory symptoms. However, upon arrival at the hospital, the admitting physician noted that the resident also had skin breakdown to the sacral area, in addition to that of the right heel. Two days later, the hospital's wound care nurse noted that the sacral area had no breakdown but that there were three (3) open areas to the resident's left thigh. Respondent's conduct was likely to injure the resident from an inaccurate skin assessment which could result in delays in needed interventions. In addition, subsequent caregivers would have relied on her documentation while providing further medical care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(B),(1)(D)&(2)(A) and 217.12(1)(A)&(4).

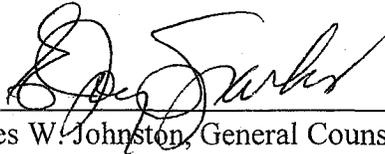
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

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.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated December 3, 2002.

Filed this 18<sup>th</sup> day of March, 2008.

TEXAS BOARD OF NURSING



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

Victoria Cox, Assistant General Counsel  
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel  
State Bar No. 18874600

TEXAS BOARD OF NURSING  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Board Order dated December 3, 2002.

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BOARD OF VOCATIONAL  
NURSE EXAMINERS

STATE OF TEXAS

VS.

MARILYN JEANETTE BARIKOR

COUNTY OF TRAVIS

**AGREED BOARD ORDER**

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of MARILYN JEANETTE BARIKOR, an Applicant for Licensure by endorsement hereinafter called Applicant.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Applicant of its intent to take disciplinary action with respect to said Application for Licensure, as a result of a subsequent investigation. Said investigation produced evidence indicating that Applicant has been subjected to revocation, suspension, or denial of a license to practice vocational nursing in another jurisdiction, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (7), in the following manner:

1.

a. On or about July 30, 2002, Applicant submitted her Application for Licensure by Endorsement to the Board of Vocational Nurse Examiners for the State of Texas. On said Application, Applicant answered "yes" to the question asking, "Have you ever had disciplinary action against your nursing license?"

b. By order of the Arizona State Board of Nursing dated December 12, 1999, Applicant's license to practice nursing in the state of Arizona was placed on probation for one (1) year.

c. Said probation was based upon the findings that Applicant failed to notify physician and family of an incident involving an altercation between two residents, Applicant failed to notify resident W.P.'s physician of a blood sugar level of 396, failed to document the administration of antibiotic medications to resident E.A. and refused to give the relieving night nurse her report.

**AGREED BOARD ORDER  
RE: MARILYN JEANETTE BARIKOR, EXAM APPLICANT  
PAGE 2**

By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Applicant does hereby waive the right to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

**ORDER OF THE BOARD**

**NOW THEREFORE, IT IS ORDERED**, subject to ratification by the Board of Vocational Nurse Examiners that MARILYN JEANETTE BARIKOR is hereby granted licensure as a vocational nurse in the State of Texas, upon meeting all requirements for endorsement. Said license shall be suspended, with said suspension stayed and placed on probation for a period of six (6) months.

**The probation of said license is subject to the following stipulations, to wit:**

1. That if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said Notification shall be in the form of a written letter or report.

AGREED BOARD ORDER

RE: MARILYN JEANETTE BARIKOR, EXAM APPLICANT

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2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.
3. That by copy of this Board Order, Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
5. That Applicant pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's ratification of the Order, and continuing thereafter until the successful completion of Applicant's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Applicant to make any quarterly payment on time shall constitute a violation of Probation.
6. That Applicant shall return their license to the Board office for a replacement license marked "PROBATION" and pay a license re-issue fee in the amount of twenty (\$20.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said return of license and fee shall be made not later than thirty (30) days following the date of the Board's ratification of the Agreed Board Order. Said license and fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Applicant to return said license or pay said fee shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

AGREED BOARD ORDER  
RE: MARILYN JEANETTE BARIKOR, EXAM APPLICANT  
PAGE 4

Dated this the 1st day of November, 2002.

Marilyn Barikor  
Signature of Applicant

2210 Normandy Rd  
Current Address

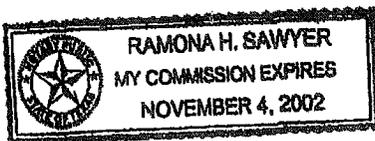
Irving, TX 75061  
City, State and Zip

972 1790-8043  
Area Code and Telephone Number

The State of Texas  
County of Dallas

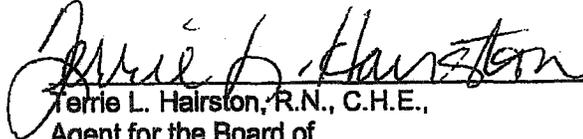
Before me, the undersigned authority, on this day personally appeared MARILYN JEANETTE BARIKOR, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 1st day of November, 2002.

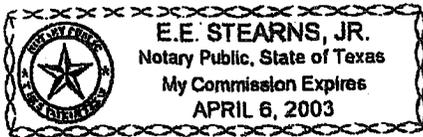


Ramona H. Sawyer  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

AGREED BOARD ORDER  
RE: MARILYN JEANETTE BARIKOR, EXAM APPLICANT  
PAGE 5

  
Terrie L. Hairston, R.N., C.H.E.,  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the  
3<sup>rd</sup> day of December, 2002.

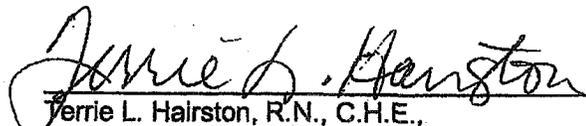


  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

BOARD ORDER  
RE: MARILYN JEANETTE BARIKOR, ENDORSEMENT APPLICANT  
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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 1<sup>st</sup> day of November, 2002 by MARILYN JEANETTE BARIKOR, Applicant and that Said Order is Final.

Effective this 3<sup>rd</sup> day of December, 2002.

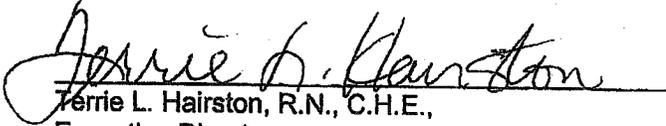
  
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Terrie L. Hairston, R.N., C.H.E.,  
Executive Director  
On Behalf of Said Board

BOARD ORDER  
RE: MARILYN JEANETTE BARIKOR, ENDORSEMENT APPLICANT  
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CERTIFICATE OF SERVICE

I hereby certify that on the 6<sup>th</sup> day of December, 2002, a true and correct copy of the foregoing BOARD ORDER was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

MARILYN JEANETTE BARIKOR  
2210 NORMANDY ROAD  
IRVING, TEXAS 75060

  
Terrie L. Hairston, R.N., C.H.E.,  
Executive Director  
Agent for the Board of Vocational Nurse Examiners