



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 P. Marshall
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 166742 § AGREED
issued to CYNTHIA DOLORES MARSHALL § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 166742, issued to CYNTHIA DOLORES MARSHALL, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Ranger Junior College, Brownwood Extension, Brownwood, Texas, on August 9, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on February 24, 1998.
5. Respondent's vocational nursing employment history includes:

2/98 to 11/05	Licensed Vocational Nurse (LVN) Coronado Abilene, Texas
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Respondent's vocational nursing employment history continued:

8/95 to 12/95	LVN Community Nursing Home Stephenville, Texas
1/96 to 8/96	LVN Brownwood Care Center Brownwood, Texas
12/05 to 9/06	Unknown
10/06 to 1/08	LVN Sears Methodist Center Abilene, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a LVN with Sears Methodist Center, Abilene, Texas and had been in this position for six (6) months.
7. On or about April 10, 2007, while employed as a LVN with Sears Methodist Center, Abilene, Texas, Respondent allegedly documented falsely in the medical record that she performed wound care to a resident. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the resident from non-efficacious care or undetected changes in the resident's status that may require further interventions. In addition subsequent caregivers would have relied on her documentation while providing further care to the resident.
8. On or about April 27, 2007, Respondent plead guilty to Possession of a Controlled Substance by Fraud (a 3rd Degree Felony offense committed on September 7, 2005) in the 42nd District Court, Taylor County, Texas. On or about September 7, 2005, Respondent misappropriated and was in possession of thirty (30) Hydrocodone pills that belonged to a resident of the Coronado Nursing Home, Abilene, Texas. As a result of the plea, Respondent received an Order of Deferred Adjudication, was ordered to pay a fine of one thousand five hundred dollars (\$1,500.00), and was placed on community supervision for a period of six (6) years.
9. On or about November 19, 2007, through November 21, 2007, while employed as a LVN with Sears Methodist Center, Abilene, Texas, Respondent allegedly failed to contact the physician to report the medical status of Resident EG, as ordered by the physician. In addition, Respondent allegedly documented falsely in the medical record that she applied Thrombolytic Deterrent Stockings (TED) hose to the resident's legs as ordered by the physician. The TED hose were not applied. TED hose are applied to increase the blood return from the legs and to reduce swelling to the legs. Subsequently, the resident had further

swelling to the legs and required treatment at an acute care hospital. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the resident in that she deprived the physician of vital information on which to base further medical care and interventions to assist the resident's compromised circulatory status. In addition, Respondent's conduct may have contributed to the resident requiring subsequent acute care.

10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice vocational nursing in the State of Texas.
11. 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.
12. 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 violations of Section 301.452(b)(3),(9), (10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A), (1)(C),(1)(D)&(1)(P) and 217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(G), (10)(E)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 166742, heretofore issued to CYNTHIA DOLORES MARSHALL, including revocation of Respondent's license to practice vocational 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 Vocational Nurse License Number 166742, heretofore issued to CYNTHIA DOLORES MARSHALL, to practice vocational 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 immediately deliver the wallet-sized license, heretofore issued to CYNTHIA DOLORES MARSHALL, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a 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 nursing in the State of Texas.

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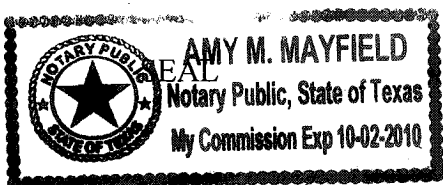
RESPONDENT'S CERTIFICATION

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 14 day of August, 20 08.

Cynthia Dolores Marshall
CYNTHIA DOLORES MARSHALL, Respondent


Sworn to and subscribed before me this 14 day of August, 20 08.



Amy M. Mayfield
Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 166742, previously issued to CYNTHIA DOLORES MARSHALL.

Effective this 2 day of September, 2008.


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

