

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
NUMBER 132895	§	COMMITTEE
ISSUED TO	§	OF THE TEXAS
MELISSA ANN WELSH	§	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.  
*Melissa Ann Welsh*  
 Executive Director of the Board

**ORDER OF THE BOARD**

TO: Melissa Ann Welsh  
 6207 N Park Road  
 Texarkana, Texas 75503

During open meeting held in Austin, Texas, on Tuesday, February 14, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, 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 § 213.16(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 132895, previously issued to MELISSA ANN WELSH, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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



Entered this 14th day of February, 2012.

TEXAS BOARD OF NURSING

BY:

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

Attachment: Formal Charge filed December 2, 2011.

I certify this to be a true copy of the records on file with the Texas Board of Nursing.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Re: Permanent Certificate Number 132895  
Issued to MELISSA ANN WELSH  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February, 2012, 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):

Melissa Ann Welsh  
6207 N Park Road  
Texarkana, Texas 75503

BY:



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

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 132895, Issued to** §  
**MELISSA ANN WELSH, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MELISSA ANN WELSH, is a Vocational Nurse holding license number 132895, which is in current 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 12, 1998, Respondent entered a plea of Guilty to THEFT \$1,500-\$20,000, a Felony offense committed on November 11, 1996, in the 202nd District Court of Bowie County, Texas, under Cause Number 97-F-183-202. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay court costs.

On or about June 29, 2001, Respondent's probation granted under Cause No. 97-F-183-202 was revoked in the 202nd District Court of Bowie County, Texas. As a result, Respondent was adjudged guilty of THEFT \$1,500-\$20,000, and sentenced to confinement in a State Jail Facility for a period of two (2) years; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of five (5) years, and ordered to pay restitution in the amount of one thousand five hundred dollars (\$1,500) along with court costs.

On or about September 25, 2001, Respondent's probation granted under Cause Number 97-F-183-202 was revoked, in the 202nd District Court of Bowie County, Texas. As a result, Respondent was sentenced to confinement in a State Jail Facility for a period of fifteen (15) months. Furthermore, Respondent was ordered to pay the balance of restitution in the amount of one thousand one hundred and six dollars and fifty cents (\$1,106.50), along with court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(9)(effective 09/1/1997), TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(3)&(10)(effective 09/1/1999) and Texas Occupations Code Sec 302.402(10), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective 11/1/1996). Moreover, the above offense mandates revocation of Respondent's license(s) to practice nursing in accordance with Section 53.021 of the Texas Occupations Code.

## CHARGE II.

On or about October 28, 2002, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED, a Class B Misdemeanor offense committed on May 20, 2001, in the District Court of Cass County, Texas, under Cause Number 2001-M-00139. As a result of the conviction, Respondent was sentenced to confinement in the Cass County Jail for a period of ninety (90) days, with eighty (80) days credit given. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10),(effective 9/1/2001) Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(effective 9/1/2001).

## CHARGE III.

On or about March 8, 2010, Respondent submitted a Licensed Renewal Document (Delinquent over 90 days) Licensed Vocational Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"

Respondent failed to disclose the following:

On or about June 29, 2001, Respondent's probation granted under Cause No. 97-F-183-202 was revoked in the 202nd District Court of Bowie County, Texas. As a result, Respondent was adjudged guilty of THEFT \$1,500-\$20,000, and sentenced to confinement in a State Jail Facility for a period of two (2) years; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of five (5) years.

On or about September 25, 2001, Respondent's probation granted under Cause Number 97-F-183-202 was revoked, in the 202nd District Court of Bowie County, Texas. As a result, Respondent was sentenced to confinement in a State Jail Facility for a period of fifteen (15) months.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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).

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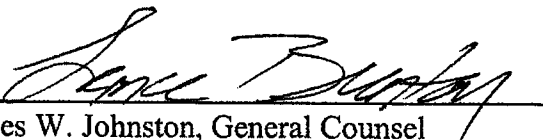
CONTINUED ON NEXT PAGE.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

Filed this 2nd day of December, 2011.

TEXAS BOARD OF NURSING



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