



Service \$20 to \$500," a Misdemeanor (committed on December 29, 2004) in the County Court at Law No. 8, Bexar County, Texas, under cause number 935707. Respondent was sentenced to six (6) months confinement in the county jail which was suspended and she was placed on probation for nine (9) months, and ordered to pay a fine and court costs.

7. On or about September 29, 2010, Respondent plead nolo contendere to the offense of "Theft \$500 to \$1500 - Public," a State Jail Felony (committed on May 5, 2008) in the 144<sup>th</sup> District Court of Bexar County, Texas, under cause number 2009CR8699. Adjudication of guilt was deferred and Respondent was placed on probation for a period of three (3) years, and ordered to pay a fine and court costs.
8. In response to the conduct outlined in Finding of Fact Number Six (6), Attorney John A. Longoria states that Respondent denies the allegation. The report is not accurate and as such is denied. Without waiving such denial, Respondent made the Board aware of the matters referred to in the 2006 case which involved "hot checks." The matter was resolved by full restitution and under Texas law there was no final conviction in this matter. Respondent received deferred adjudication, which means there was no conviction on the accusation. The "hot checks" resulted from being mistaken regarding her bank account, as opposed to willful intent to deceive or commit any theft.
9. Formal Charges were filed on July 27, 2011.
10. Formal Charges were mailed to Respondent on July 28, 2011.

#### 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 a violations of Section 301.452(b)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 225936, heretofore issued to MELISSA MARIA LOMAS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 225936, previously issued to MELISSA MARIA LOMAS, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED INDEFINITELY. In connection with this SUSPENSION, the Board imposes the following conditions:

- (1) 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 suspended.
- (2) RESPONDENT SHALL NOT petition for stay or probation of the SUSPENSION until one (1) year has elapsed from the date of this Order.
- (3) Upon petitioning for stay or probation of the SUSPENSION, RESPONDENT SHALL satisfy all then existing requirements for practice.
- (4) RESPONDENT SHALL be entitled to submission of her petition for stay or probation of the SUSPENSION before the Eligibility and Disciplinary Committee of the Board.
- (5) RESPONDENT SHALL be entitled to a hearing conducted by the State Office of Administrative Hearings if the Board proposes to refuse to lift the enforcement of the suspension after the one (1) year of enforcement has elapsed.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order,

this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this order the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENTS CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective; 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

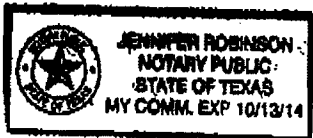
Signed this 12 day of October, 2011.

Melissa Maria Lomas  
MELISSA MARIA LOMAS, Respondent

Sworn to and subscribed before me this 12<sup>th</sup> day of October, 2011.

SEAL

J. J. Dal  
Notary Public in and for the State of Texas

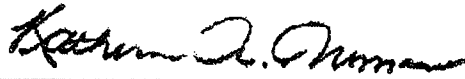


Approved as to form and substance.  
Dan Lype  
Dan Lype, Attorney for Respondent

Signed this 12 day of October, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of October, 2011, by MELISSA MARIA LOMAS, Vocational Nurse License Number 225936, and said Order is final.

Effective this 8th day of November, 2011.



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