

IN THE MATTER OF  
PERMANENT VOCATIONAL NURSE  
LICENSE NUMBER 206771  
ISSUED TO  
MELINDA MARIA WHITEHEAD

§  
§  
§  
§  
§

BEFORE THE TEXAS  
BOARD OF NURSING  
  
ELIGIBILITY AND  
DISCIPLINARY COMMITTEE



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 R. Plummer*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: MELINDA MARIA WHITEHEAD  
2908 AVE C  
BROWNWOOD, TX 76801

During open meeting held in Austin, Texas, on November 13, 2012, the Texas Board of Nursing 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 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(s) to practice 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 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 Vocational Nurse License Number 206771, previously issued to MELINDA MARIA WHITEHEAD, to practice 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 nursing in the State of Texas.

Entered this 13th day of November, 2012.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed on July 16, 2012.

Re: Permanent Vocational Nurse License Number 206771  
Issued to MELINDA MARIA WHITEHEAD  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of November, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

MELINDA MARIA WHITEHEAD  
2908 AVE C  
BROWNWOOD, TX 76801



BY:

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

In the Matter of ,	§	BEFORE THE TEXAS
Permanent Vocational Nurse	§	
License Number 206771	§	
Issued to MELINDA MARIA WHITEHEAD,	§	
Respondent	§	BOARD OF NURSING

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MELINDA MARIA WHITEHEAD, is a Vocational Nurse holding License Number 206771, 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 December 01, 2011 through January 27, 2012, while employed with Bangs Nursing Home, Bangs, Texas, Respondent signed out medications, but failed to accurately and/or completely document the administration in the patients' medication administration records (MARs), as follows:

Patient	Physician's Order	Medication Count Sheet	Date	MAR	Wastage
2011028	Alprazolam 0.5mg (1) Tab at 0600, 1400 and 2200.	Alprazolam 0.25mg (2) Tabs signed out by Respondent	12/02/11 12/03/11 12/04/11 12/08/11 12/12/11 12/13/11 12/14/11 12/17/11 12/18/11 12/18/11 12/22/11 12/25/11 12/26/11 12/27/11	Not Documented	None
2011028	Alprazolam 0.5mg (1) Tab at 0600, 1400 and 2200.	Alprazolam 0.25mg (1) Tab signed out by Respondent	12/26/11	Not Documented	None

2011028	Alprazolam 0.5mg (1) Tab at 0600, 1400 and 2200.	Alprazolam 0.25mg (2) Tabs signed out by Respondent	01/05/12 01/09/12 01/10/12 01/13/12 01/14/12 01/15/12 01/16/12 01/19/12 01/23/12 01/24/12 01/25/12	Not Documented	None
2005003	Alprazolam 0.5mg (1) Tab Every 6 Hours PRN	Alprazolam 0.5mg (1) Tabs signed out by Respondent	12/22/11 12/25/11 12/26/11 12/27/11 12/29/11 12/30/11	Not Documented	None
2005003	Alprazolam 0.5mg (1) Tab Every 6 Hours PRN	Alprazolam 0.5mg (1) Tab signed out by Respondent	01/05/12 01/09/12 01/10/12 01/13/12 01/14/12 01/15/12 01/19/12 01/23/12 01/24/12	Not Documented	None
2005003	Lortab (Hydrocodone- Acetaminophen) 5mg/500mg Tab Every 4 Hours PRN	Hydrocodone-APAP 5-500 (1) Tab signed out by Respondent	01/16/12 01/19/12 01/23/12 01/25/12	Not Documented	None for
2011007	Lorazepam 0.5mg (1) Tab Every 2 Hours PRN/Lorazepam 0.5mg (2) Tab Every 2 Hours PRN	Lorazepam 0.5mg (2) Tabs signed out by Respondent	01/05/12 01/09/12 01/10/12 01/11/12 01/13/12 01/14/12 01/15/12 01/15/12 01/19/12 01/23/12 01/24/12	Not Documented	None
2011007	Morphine Concentrate 10mg/0.5mL (20mg/1mL) Solution by Mouth Every 1 Hour PRN	Morphine Concentrate. 20mg/1mL (1) signed out by Respondent	12/08/11	Not Documented	None

2011007	Morphine Concentrate 10mg/0.5mL (20mg/1mL) Solution by Mouth Every 1 Hour PRN	Morphine Concentrate 20mg/1mL (1) signed out by Respondent	01/11/12 01/13/12 01/14/12 01/14/12 01/15/12 01/15/12 01/16/12 01/19/12 01/20/12 01/23/12 01/24/12 01/24/12 01/25/12 01/25/12	Not Documented	None
2005004	Lorazepam 1mg (1) Tab PRN	Lorazepam 1mg (1) Tab signed out by Respondent	01/10/12 01/13/12 01/14/12 01/15/12 01/19/12 01/23/12 01/24/12	Not Documented	None
2005004	Vicodin 5mg-500mg (1) Tab Every 6 Hours PRN	Hydrocodone-APAP 5-500 (1) Tab signed out by Respondent	12/17/11	Not Documented	None
2005004	Vicodin 5mg-500mg (1) Tab Every 6 Hours PRN	Hydrocodone-APAP 5-500 (1) Tab signed out by Respondent	01/13/12 01/19/12 01/24/12 01/25/12	Not Documented	None
2005022	Vicodin 5mg-500mg (1) Tab Every 4 Hours PRN	Hydrocodone-APAP 5-500 (1) Tab signed out by Respondent	12/23/11	Not Documented	None
2005022	Vicodin 5mg-500mg (2) Tab Every 6 Hours PRN	Hydrocodone-APAP 5-500 (2) Tabs signed out by Respondent	12/14/11 12/14/11 12/17/11 12/17/11 12/18/11 12/22/11 12/26/11 12/26/11 12/27/11 12/30/11 12/31/11	Not Documented	None
2005022	Vicodin 5mg-500mg (2) Tab Every 6 Hours PRN	Hydrocodone-APAP 5-500 (1) Tab signed out by Respondent	01/14/12 01/14/12	Not Documented	None
2005022	Vicodin 5mg-500mg (2) Tab Every 6 Hours PRN	Hydrocodone-APAP 5-500 (2) Tabs signed out by Respondent	01/02/12 01/05/12 01/06/12 01/09/12	Not Documented	None

			01/10/12 01/10/12 01/11/12 01/13/12 01/14/12 01/14/12 01/15/12 01/15/12 01/16/12 01/19/12 01/20/12 01/23/12 01/24/12 01/24/12 01/25/12		
2001007	Lorazepam 0.5mg (1) Tab Every 4 Hours PRN	Lorazepam 0.5mg (1) Tab signed out by Respondent	01/10/12 01/13/12 01/14/12 01/15/12 01/15/12 01/16/12 01/19/12 01/20/12 01/23/12 01/24/12 01/24/12 01/25/12	Not Documented	None for
2005020	Alprazolam Gel 1mg/mL (1) Topically Every 4 Hours PRN	Alprazolam 1mg/mL (1) signed out by Respondent	12/30/11	Not Documented	None
2005020	Alprazolam Gel 1mg/mL (1) Topically Every 4 Hours PRN	Alprazolam 1mg/mL (1) signed out by Respondent	01/05/12 01/10/12 01/13/12 01/15/12 01/16/12 01/24/12	Not Documented	None
2006017	Norco 5mg-325mg (1) Tab Every 4 Hours PRN	Hydrocodone-APAP 5-325 (1) Tab was signed out by Respondent	01/10/12	Not Documented	None
2006017	Norco 5mg-325mg (2) Tab Every 4 Hours PRN	Hydrocodone-APAP 5-325 (2) Tabs signed out by Respondent	01/11/12 01/14/12 01/15/12 01/16/12 01/17/12 01/23/12	Not Documented	None
2011012	Hydrocodone-Acetaminophen 5mg-325mg (2) Tab Every 4 Hours PRN	Hydrocodone-APAP 5-325 (2) Tabs signed out by Respondent	12/01/11 12/02/11 12/14/11 12/14/11 12/17/11	Not Documented	None

			12/18/11 12/18/11 12/19/11 12/19/11 12/23/11 12/26/11 12/26/11 12/27/11 12/27/11		
2011012	Hydrocodone-Acetaminophen 5mg-325mg (2) Tab Every 4 Hours PRN	Hydrocodone-APAP 5-325 (2) Tabs signed out by Respondent	01/01/12 01/01/12 01/02/12 01/05/12 01/15/12 01/16/12 01/16/12 01/19/12 01/20/12 01/20/12 01/23/12 01/23/12 01/24/12 01/24/12 01/24/12 01/25/12	Not Documented	None
2011012	Hydrocodone-Acetaminophen 5mg-325mg (2) Tab Every 4 Hours PRN	Hydrocodone-APAP 5-325 (1) Tab signed out by Respondent	01/05/12	Not Documented	None
2011029	Zolpidem 10mg (1) Tab Every Night at Bedtime	Zolpidem Tartrate 10mg (1) Tab signed out by Respondent	12/17/11 12/18/11 12/25/11	Not Documented	None
2011029	Zolpidem 10mg (1) Tab Every Night at Bedtime	Zolpidem Tartrate 10mg (1) Tab signed out by Respondent	01/10/12 01/15/12	Not Documented	None
2011029	Ativan/Benadryl/Haldol Gel 1ml (1) Every Four Hours PRN	Ativan/Benadryl/Haldol Gel 1ml (1) signed out by Respondent	12/02/11 12/03/11 12/14/11 12/17/11 12/18/11 12/18/11 12/19/11 12/22/11 12/22/11 12/27/11 12/27/11 12/29/11 12/30/11 12/30/11 12/31/11	Not Documented	None



2011029	Ativan/Benadryl/ Haldol Gel 1mL (1) Every Four Hours PRN	Ativan/Benadryl/Haldol Gel 1mL (1) signed out by Respondent	01/01/12	Not Documented	None
			01/05/12		
			01/06/12		
			01/09/12		
			01/10/12		
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01/23/12					
01/24/12					

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

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)(A)&(1)(D) and 217.12(1)(C),(4)&(10)(B).

### CHARGE II.

On or about December 01, 2011 through January 27, 2012, while employed with Bangs Nursing Home, Bangs, Texas, Respondent signed out medications, including Alprazolam, Morphine, Zolpidem, Lorazepam and Hydrocodone (Vicodin, Lortab and Norco), for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(C)&(11)(B).

### CHARGE III.

On or about December 01, 2011 through January 27, 2012, while employed with Bangs Nursing Home, Bangs, Texas, Respondent misappropriated medication, including Alprazolam, Morphine, Zolpidem, Lorazepam and Hydrocodone (Vicodin, Lortab and Norco), belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(6)(G).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s 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. 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.texas.gov](http://www.bon.texas.gov).

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

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

Filed this 16<sup>th</sup> day of July, 2012.

TEXAS BOARD OF NURSING



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