

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Registered Nurse License Number 689773	§	
& Vocational Nurse License Number 139535	§	
issued to DONNA SUE MELENDEZ	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DONNA SUE MELENDEZ, Registered Nurse License Number 689773, and Vocational Nurse License Number 139535, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived informal proceedings, notice 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(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent holds a license to practice vocational nursing in the State of Texas which is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Kingwood College, Kingwood, Texas, on August 24, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992. Respondent received an Associate Degree in Nursing from North Harris Community College, Houston, Texas, on May 10, 2002. Respondent was licensed to practice professional nursing in the State of Texas on August 13, 2002.

5. Respondent's nursing employment history includes:

09/93 - 08/02	LVN	Kingwood Medical Center Kingwood, Texas
07/98 - 09/00	LVN	Staff Search Temporary Agency Houston, Texas
10/99 - 09/00	LVN	Northeast Medical Center Humble, Texas
08/02 - 10/10	RN	Kingwood Medical Center Kingwood, Texas
11/02 - 11/07	RN	St. Luke's Episcopal Hospital Houston, Texas
11/07 - 11/09	RN	Memorial Hermann OPID Humble, Texas
12/09 - 03/10	Unknown	
04/10 - 06/11	RN	St. Luke's Patient's Medical Center Pasadena, Texas
06/11 - Present	RN	Epic Medical Staffing Houston, Texas
09/11 - Present	RN	Methodist Willowbrook Hospital Houston, Texas

6. On or about September 14, 2012, Respondent entered a plea of guilty to POSS/ATT POSS CS BY FRAUD, (a 3rd Degree Felony offense committed on May 30, 2012), in the 248th District Court of Harris County, Texas, under Cause No. 135305701010. As a result of the guilty plea, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and Respondent was placed on Community Supervision for a period of four (4) years. Additionally, Respondent was given fifty-four (54) days credit for jail time served and ordered to pay court costs.

7. Formal Charges were filed on January 17, 2013.

8. Formal Charges were mailed to Respondent on January 18, 2013.

9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
10. 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.
11. 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 violation(s) of 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(3)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 689773, and Vocational Nurse License Number 139535, heretofore issued to DONNA SUE MELENDEZ, including revocation of Respondent's license(s) to practice 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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 689773, and Vocational Nurse License Number 139535, heretofore issued to DONNA SUE MELENDEZ, to practice 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 NOT practice professional or vocational nursing, use the title "registered nurse" or "vocational nurse" or the abbreviations "RN" or "LVN" or wear any insignia identifying herself as a registered nurse or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse or vocational nurse during the period in which the license is surrendered.
2. 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.
3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S 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 violation(s) 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 19 day of March, 2013.


DONNA SUE MELENDEZ, Respondent

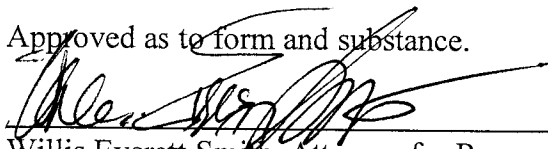
Sworn to and subscribed before me this 19th day of March, 2013.

SEAL




Notary Public in and for the State of TEXAS

Approved as to form and substance.


Willis Everett Smith, Attorney for Respondent

Signed this 19 day of March, 2013.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 689773, and Vocational Nurse License Number 139535, previously issued to DONNA SUE MELENDEZ.

Effective this 19th day of March, 2013.



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