

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Family Nurse Practitioner	§	AGREED
with Prescriptive Authority & Registered	§	
Nurse License Number 833637	§	
issued to MELISSA SUZANNE COX	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MELISSA SUZANNE COX, Family Nurse Practitioner with Prescriptive Authority, and Registered Nurse License Number 833637, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(8) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 25, 2013, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on 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 as a Family Nurse Practitioner with Prescriptive Authority and as a Registered Nurse in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Western Oklahoma State College, Altus, Oklahoma, on May 14, 2008. Respondent received a Bachelors Degree in Nursing from Western Oklahoma State College, Altus, Oklahoma, on May 1, 2009. Respondent received an Masters Degree in Nursing from University of Cincinnati, Cincinnati, Ohio on March 1, 2012. Respondent was licensed to practice professional nursing in the State of Texas on March 6, 2013. Respondent received recognition as a Family Nurse Practitioner with Prescriptive Authority in the State of Texas on March 11, 2013.



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.
Katherine A. Thomas
Executive Director of the Board

5. Respondent's complete nursing employment history is unknown.
6. On or about May 28, 2013, Respondent was issued a Stipulations, Settlement and Order by the Oklahoma Board of Nursing wherein Respondent's license to practice as a professional nurse, advanced practice registered nurse and certified nurse practitioner were accepted for Voluntary Surrender to avoid further administrative action. A copy of the Stipulations, Settlement and Order issued by the Oklahoma Board of Nursing, dated May 28, 2013, is attached and incorporated by reference as part of this Order.
7. In response to Finding of Fact Number Six (6), Respondent states she received permission to create a weight chart for herself using another providers log-in ID to present to her physician prior to a scheduled surgery. Respondent further states she was terminated for falsifying her chart.

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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Family Nurse Practitioner with Prescriptive Authority and Registered Nurse License Number 833637, heretofore issued to MELISSA SUZANNE COX, 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 Family Nurse Practitioner with Prescriptive Authority and Registered Nurse License Number 833637, previously issued to MELISSA SUZANNE COX, to practice nursing in Texas is/are hereby SUSPENDED for a period of one (1) year with the suspension STAYED and Respondent is hereby placed on PROBATION for one (1) year with the following agreed terms of probation:

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.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted.

RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred and fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64)

HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) Should RESPONDENT choose to work as a Family Nurse Practitioner with Prescriptive Authority, RESPONDENT'S practice of professional nursing will be monitored for one (1) year by a Physician or Family Nurse Practitioner with Prescriptive Authority who has been

approved by the Board. Respondent must provide a list of three (3) Physicians and/or three (3) Family Nurse Practitioners with Prescriptive Authority for the Board to select. For the Physician and/or Family Nurse Practitioner with Prescriptive Authority, the list must include the following for each: name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT'S receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports, addressing RESPONDENT'S progress in overcoming these deficiencies to the office of the Board at the end of each three (3) month period for the one (1) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.

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.

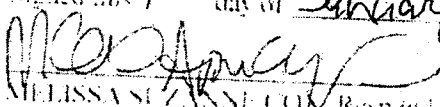
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

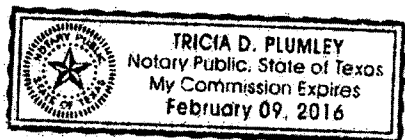
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order 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 licensure to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4th day of January, 2014

MELISSA SANCHEZ, Respondent

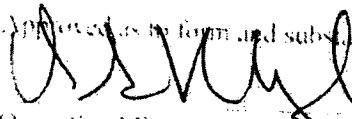
Sworn to and subscribed before me this 4th day of January, 2014

SEAL


Notary Public in and for the State of Texas



Approved as to form and substance:


Oscar San Miguel, Attorney for Respondent

Signed this 6th day of January, 2014

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of January _____, 2014, by MELISSA SUZANNE COX, Family Nurse Practitioner with Prescriptive Authority and Registered Nurse License Number 833637, and said Order is final.

Effective this 11th day of February, 2014.



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

BEFORE THE OKLAHOMA BOARD OF NURSING

**IN THE MATTER OF MELISSA SUZANNE HARRIS CUMMINS COX, R.N., A.P.R.N.-C.N.P.
LICENSE NO. R0092072**

STIPULATIONS, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 14th day of May, 2013, in the Conference Room of the Board Office, 2901 North Classen Boulevard, Suite 105, Oklahoma City, Oklahoma.

Lisa Griffiths, R.N., a Nurse Investigator with the Board, appears in person, and Melissa Suzanne Harris Cummins Cox, R.N., A.P.R.N.-C.N.P., (hereinafter, "Respondent") having received notice voluntarily appears neither in person nor by counsel before the Panel on this date. Respondent and the Nurse Investigator participated in an investigative conference on March 7, 2013, and subsequently consented to this Stipulations, Settlement and Order ("Order").

STIPULATIONS

Respondent and the Panel hereby stipulate and agree to the following joint stipulations and proposed Order of the Board incorporating these stipulations and agreements in the above-styled matter.

1. Respondent is licensed to practice as a registered nurse and as an advanced practice registered nurse – certified nurse practitioner ("APRN-CNP"), in the State of Oklahoma and is the holder of License No. R0092072 issued by the Oklahoma Board of Nursing.

2. On or about October 2012, the Respondent while working as an APRN-CNP at Graham Medical Clinic in Sayre, Oklahoma ("Graham Clinic"), admits to fraudulently creating computerized documentation of Patient visits for the Respondent with the following dates: March 28,

2012, April 25, 2012, May 30, 2012, June 27, 2012, July 25, 2012, August 29, 2012 and September 24, 2012. In creating the fraudulent Patient visit notes for herself, the Respondent used the computer password of Jessica Kennemer, APRN-CNP, who also worked at the Graham Clinic and the Respondent stamped each visit note with the physician stamp of Treva Graham, M.D. The Respondent was terminated on December 11, 2012 from Graham Clinic.

3. Respondent has voluntarily surrendered the licenses to practice as a registered nurse and as an advanced practice registered nurse – certified nurse practitioner in the State of Oklahoma held by the Respondent.

4. No formal complaint has been filed as of the date of these stipulations charging Respondent with violations of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

5. This Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this Order. Furthermore, should this Order not be accepted by the Board, it is agreed that presentation to and consideration of this Order and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further

participation, consideration or resolution of these proceedings.

6. Respondent fully understands and agrees that this Order will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this Order.

7. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Order of the Board incorporating said stipulations.

8. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

9. This Order constitute formal disciplinary action.

STIPULATED DISPOSITION AND ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the voluntary surrender of Respondent's licenses to practice as a registered nurse and as an advanced practice registered nurse – certified nurse practitioner should be accepted, upon the following terms and conditions.

1. Any Application to Reinstate any nursing license shall not be considered for the period of **two (2) years**.

2. **Prior to reinstatement**, Respondent shall successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, Internet and video programs will not be approved. In order for the course to be

approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board; other laws; policies; and accreditation guidelines that govern the practice of nursing; the role of delegation and supervision; and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must indicate goals and objectives for the course; resources to be utilized; and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

3. **Prior to reinstatement, Respondent shall successfully complete a course on Nursing Ethics, to include Professionalism, Professional Boundaries, and Social Networking.** Respondent shall obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, or Internet courses will not be approved. The target audience must include licensed nurses. The course must contain content on the following concepts: professional ethics, professional boundaries, boundary crossings, boundary violations and professional sexual misconduct. The course must be a minimum of eight (8) contact hours in length and include case studies and role playing. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

4. **Prior to reinstatement, Respondent shall successfully complete a course on *The Roles and Responsibilities of the Advanced Practice Nurse with and without Prescriptive Authority, to include all applicable state and federal regulations*, to include all applicable state and federal regulations. Respondent shall obtain Boards approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, and Internet programs will not be approved. The target audience must include licensed nurses. The course must be a minimum of sixteen (16) contact hours in length. For approval the course content must include delegation, supervision, patient assessment, scope of practice of each discipline; and responsibilities related to reporting incidents. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.**

5. **Prior to reinstatement, Respondent shall pay an administrative penalty payable to the Oklahoma Board of Nursing in the amount of \$4,000.00. The administrative penalty shall be paid only by certified check, money order or cash.**

IT IS FURTHER ORDERED that Respondent's licenses to practice as a registered nurse and advanced practice registered nurse - certified nurse practitioner are hereby severely reprimanded.

IT IS FURTHER OREDERED that Board Staff may approve any Application to Reinststate any nursing license.

IT IS FURTHER ORDERED, that Respondent shall comply in all respects with the Nursing Practice Act, 59 O.S. Sections 467.1, et seq., the Rules, OAC Title 485 Chapters 1 and 10 and Guidelines relating to nursing education, licensure and practice and this Order.

IT IS FURTHER ORDERED that in the event the Certified Mail delivery of Respondent's Order is unsuccessful a process server will be hired to obtain service of the Order. If it is thus necessary to serve the Respondent by a process server the Respondent shall reimburse the Board for the actual cost of the process server. The Respondent shall pay to the Board the actual cost of the process service **within sixty (60) days of service of the process served Order**. The process service fee shall be paid only by certified check, money order or cash to the Board.

IT IS FURTHER ORDERED that the parties agree that both (all) parties have participated in the drafting of this Order and that no presumption or construction against any party as the drafter of this Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

IT IS FURTHER ORDERED that should this Order not be accepted by the Board, it is agreed that presentation to and consideration of this Order and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

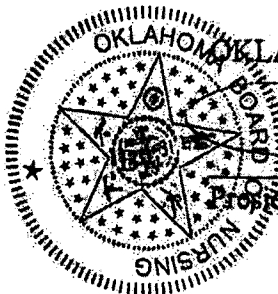
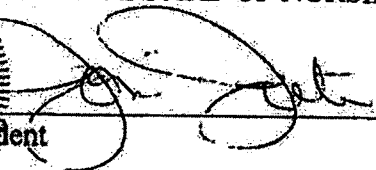
IT IS FURTHER ORDERED that this Order shall not be effective until the fully executed Order is received in the Board office.

IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further Order of the Board shall be deemed necessary.

IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.


Respondent

Approved and ordered this 28th day of May, 2013.

 OKLAHOMA BOARD OF NURSING

President

LG:tj