



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 A. Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Vocational Nurse License Number 174572 §
issued to MELODY ANN MIRELES §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 174572, issued to MELODY ANN MIRELES, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Galen College of Nursing, San Antonio, Texas, on October 20, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on November 24, 1999.
4. Respondent's vocational nursing employment includes:

11/1999-1/2000	Unknown	
2/2000-5/2001	LVN	Warm Springs Rehabilitation Hospital San Antonio, Texas

Respondent's vocational nursing employment continued:

6/2001-9/2001	LVN	Drug Dependence Associates San Antonio, Texas
9/2001-9/2002	LVN	El Centro del Barrio/Southside Clinic San Antonio, Texas
10/2002-12/2002	Unknown	
1/2003-7/2003	LVN Personal Caregiver	Douglas D. Lease/Flipside Records San Antonio, Texas
4/2003-1/2005	LVN	Excel Care Services San Antonio, Texas
7/2003-10/2003	LVN Charge Nurse	Mariner Health of San Antonio San Antonio, Texas
11/2003-2/2004	LVN	Enhanced Living Services San Antonio, Texas
3/2004	Unknown	
4/2004-8/2004	LVN	Care Home Health Services San Antonio, Texas
8/2004-4/2006	LVN	The Willows Development Center San Antonio, Texas
4/2006-8/2008	LVN	Homelife & Community Services, Inc. San Antonio, Texas
9/2008-Present	LVN	Lifetime Living, Inc. San Antonio, Texas

5. On or about October 18, 2012, Respondent was issued the sanction of a Reprimand with Stipulations through an Agreed Order by the Board. A copy of the Findings of Fact, Conclusions of Law, and Order dated October 18, 2012, is attached and incorporated herein by reference as part of this Order.

6. On or about October 19, 2013, Respondent failed to comply with the Agreed Order issued to her on October 18, 2012, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number One (1) of the Agreed Order which states, in pertinent part:

(1) RESPONDENT SHALL, within one year (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics....

7. On or about October 19, 2013, Respondent failed to comply with the Agreed Order issued to her on October 18, 2012, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Two (2) of the Agreed Order which states, in pertinent part:

(2) RESPONDENT SHALL, within one year (1) year of entry of this Order, successfully complete a course in physical assessment....

8. On or about October 19, 2013, Respondent failed to comply with the Agreed Order issued to her on October 18, 2012, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Three (3) of the Agreed Order which states, in pertinent part:

(3) RESPONDENT SHALL, within one year (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills"....

9. On August 25, 2014, the Board received a statement from Respondent voluntarily surrendering the right to practice vocational nursing in Texas in lieu of complying with the Agreed Order issued to Respondent on October 18, 2012. A copy of Respondent's statement is attached and incorporated herein by reference as part of this Order.

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(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1) and (10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 174572, heretofore issued to MELODY ANN MIRELES, 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, 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 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 174572, heretofore issued to MELODY ANN MIRELES, to practice nursing in the State of Texas, is/are accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice nursing, use the title of 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 surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
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.

Effective this 25th day of August, 2014.

TEXAS BOARD OF NURSING

By:



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 174572 §
issued to MELODY ANN MIRELES § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MELODY ANN MIRELES, Vocational Nurse License Number 174572, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 15, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. ~~Respondent is currently licensed to practice vocational nursing in the State of Texas.~~
4. Respondent received a Certificate in Vocational Nursing from Galen College of Nursing, San Antonio, Texas, on October 20, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on November 24, 1999.
5. Respondent's nursing employment history includes:

11/1999-1/2000	Unknown	
2/2000-5/2001	LVN	Warm Springs Rehabilitation Hospital San Antonio, Texas

Respondent's nursing employment history continued:

6/2001-9/2001	LVN	Drug Dependence Associates San Antonio, Texas
9/2001-9/2002	LVN	El Centro del Barrio/Southside Clinic San Antonio, Texas
10/2002-12/2002	Unknown	
1/2003-7/2003	LVN Personal Caregiver	Douglas D. Lease/Flipside Records San Antonio, Texas
4/2003-1/2005	LVN	Excel Care Services San Antonio, Texas
7/2003-10/2003	LVN Charge Nurse	Mariner Health of San Antonio San Antonio, Texas
11/2003-2/2004	LVN	Enhanced Living Services San Antonio, Texas
4/2004-8/2004	LVN	Care Home Health Services San Antonio, Texas
8/2004-4/2006	LVN	The Willows Development Center San Antonio, Texas
4/2006-8/2008	LVN	Homelife & Community Services, Inc. San Antonio, Texas
9/2008-Present	LVN	Lifetime Living, Inc. San Antonio, Texas

6. At the time of the incident, Respondent was employed as a LVN with Lifetime Living, Inc., San Antonio, Texas, and had been in this position for one (1) year and one (1) month.
7. On or about October 28, 2009, through November 20, 2010, while employed with Lifetime Living, Inc., Texas, and assigned to the care of Patient IA, Respondent failed to assess and intervene when the patient exhibited signs of severe malnutrition and failure to thrive as evidenced by severe weight loss. Respondent, who made quarterly skilled nursing visits with the patient in her home to determine the patient's continued needs for home based community care services, failed to obtain an accurate weight for the patient from the beginning of care in October 2009, instead Respondent took a verbal report from the patient's mother who stated the patient's weight was 75 pounds. Respondent visited the patient in October 2010, at which time the patient's mother reported that the patient's weight

was 65 pounds. In November 2010, the patient developed a respiratory infection and was admitted to Southwest General Hospital, San Antonio, Texas, where it was determined that the patient's weight was actually thirty-one (31) pounds. The patient's weight should have been a minimum of 80 pounds. Respondent's conduct exposed the patient unnecessarily to risk of harm from ineffective treatment which could result in medical complications and a delay in the patient's recovery.

8. On or about October 28, 2009, through November 20, 2010, while employed with Lifetime Living, Inc., Texas, and assigned to the care of Patient IA, Respondent failed to adequately assess the patient's skin while making quarterly skilled nursing home visits with the patient. Instead, Respondent allowed the patient's mother to report that there were "no changes" in the patient's skin condition. In November 2010, the patient developed a respiratory infection and was admitted to Southwest General Hospital, San Antonio, Texas, where it was discovered that the patient had developed skin breakdown and decubitus' on her sacrum, hip and leg. Respondent's conduct exposed the patient unnecessarily to a risk of harm from complications due to undiagnosed and, consequently, untreated disease processes which could have resulted in a delay in the patient's recovery.
9. On or about October 28, 2009, through November 20, 2010, while employed with Lifetime Living, Inc., Texas, and assigned to the care of Patient IA, Respondent failed to notify the patient's physician of her change in condition. Respondent's conduct exposed the patient unnecessarily to risk of harm from ineffective treatment and was likely to deceive the patient's physician who relied on the information to institute timely medical interventions to stabilize the patient which resulted in a delay in the patient's recovery.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that first and foremost the type of nursing the HCS Provider, Lifetime Living, Inc. provides is not acute nursing. Respondent states that they perform quarterly assessments and annual head to toe assessments and upon request participate in an annual staffing with the consumer and their provider. In regards to Patient IA, a quarterly assessment was performed in September 2010, and Respondent states that the patient was within normal limits for her at that time. Respondent states that the patient was living at home with her biological mother who had been the patient's primary care provider since birth and is a Foster Care Provider hired by Lifetime Living, Inc. Respondent states that Lifetime Living, Inc. trains the Foster Care Providers to contact the assigned nurse between quarterlies when need be and in the case of medical emergencies. Respondent states she was not contacted until November 24, 2010, when the patient was admitted to Southwest General Hospital for malnutrition and a decubitus ulcer, and therefore, she was unaware that the patient had lost a significant amount of weight and had developed an ulcer to her sacral area. Respondent states she visited the patient while she was in the hospital and that she found her lying in bed and appeared emaciated and refusing to eat. Respondent states that she did observe decubitus ulcers to the sacral/buttock area. Respondent states that as a nurse she provides the best collaborative care to her consumers with the case managers and other members of the health care team and that she cannot be held responsible for something she was unaware of and had not seen until it was too late. Respondent states that she provides individual placement for patient's with severe disabilities and does not provide home care. Respondent states that she took the patient's mothers word regarding the patient's weight.

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 §§217.11(1)(A),(1)(B),(1)(D),(1)(F),(1)(M),(1)(P)&(2)(A) and 217.12(1)(A)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 174572, heretofore issued to MELODY ANN MIRELES, 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 RESPONDENT SHALL receive the sanction of REPRIMAND WITH STIPULATIONS, and 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.

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, 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 that:

(1) 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>

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this

course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall 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 successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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>.*

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 STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) 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:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations 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 stipulations 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.

(5) 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.

(6) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice

nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) year(s) of employment as a nurse.

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.

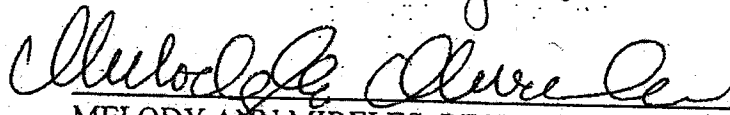
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RESPONDENT'S CERTIFICATION

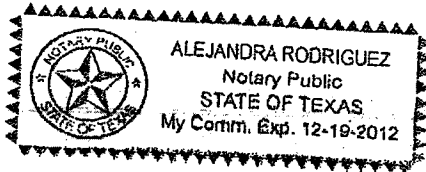
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

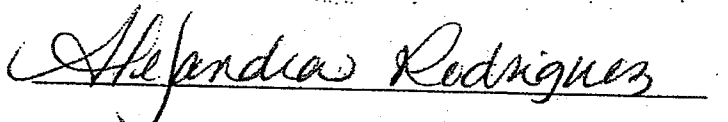
Signed this 24 day of August, 20 12


MELODY ANN MIRELES, RESPONDENT

Sworn to and subscribed before me this 24 day of August, 20 12


SEAL




Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of August, 2012, by MELODY ANN MIRELES, Vocational Nurse License Number 174572, and said Order is final.

Effective this 18th day of October, 2012.



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

August 22, 2014

Dear Ms. Hudson c/o Texas Board of Nursing,

My name is Melody A. Mireles and I am writing to let you know that as of September 2012 I decided to relinquish my nursing license as I did not agree with the findings of the investigation and feel I would never be hired having the stipulations attached and having to disclose the information upon every job interview. I have not practiced as an LVN since nor do I represent myself as an LVN so I feel I am not "non-compliant" with your rules.

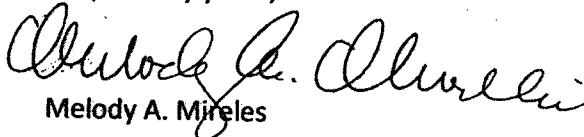
I am currently having problems even finding a job in healthcare as of now, when potential employers see my resume and inquire about my licensure status and why I chose not to pursue my nursing career any longer. I still find myself having to disclose the information. This whole affair has made me lose my faith in the Texas Board of Nursing and medical community in general.

I would like the status on my license to change as it was my decision not to follow through with the requirements needed to maintain current licensure via the reprimand with stipulations verdict. I chose not to pursue my licensure and would like the status of my license to reflect that.

The decision simply made at the hands of individuals who were not familiar with the Medicaid Waiver Program HCS nor their rules have ruined my lively hood, self-esteem and my hard earned career as an LVN. Having to justify that I was not at fault for the condition of the consumer named in the investigation when she was brought into the SW General Hospital emergency room upon every job interview, and having that dark cloud of "founded" accusations hang over my head around my potential employers and peers after 12 yrs. of hard work and dedication to the people and the state of Texas was just far too much for me to bear.

I no longer wish to practice vocational nursing in the state of Texas. Please respect my decision as I've given it much thought. I would like to move on with the rest of my life and, unfortunately, start a new career @ 37 years of age. Please contact me if you have any other questions or concerns.

Respectfully yours,


Melody A. Mireles

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