



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse License Number 174721 § AGREED
issued to MELISSA KAYE BURKE (JASEK) § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MELISSA KAYE BURKE (JASEK), Vocational Nurse License Number 174721, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(10), and Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on July 6, 2006, by Katherine A. Thomas, MN, RN, Executive Director.

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.
2. Respondent waived informal conference, 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 Blinn College, Brenham, Texas, on August 11, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on December 16, 1999.
5. Respondent's vocational nursing employment history is unknown.
6. On or about December 10, 1999, the Board of Vocational Nurse Examiners for the State of Texas endorsed an AGREED BOARD ORDER ordering that Respondent's license to practice vocational nursing in the State of Texas be suspended, suspension stayed and placed on probation for a period of two (2) years. A copy of this order is attached and incorporated herein.

7. On May 12, 2003, Respondent plead "Guilty" and was "Convicted" of DRIVING WHILE INTOXICATED - 2ND OFFENSE (a Class A Misdemeanor offense committed April 28, 2002), under Cause Number 12,544, in the 21st District Court of Burleson County, Texas. As a result of the plea, Respondent was placed on probation for a period of two (2) years and ordered to pay a fine in the amount of one thousand dollars (\$1,000.00).
8. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
9. 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.
10. Respondent's conduct described in Findings of Fact Numbers Six (6) and Seven (7) were significantly influenced by Respondent's chemical dependency.
11. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 302.402(a)(3)(B), (9), & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(28) & (29)(A)(iv).
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 174721, heretofore issued to MELISSA KAYE BURKE (JASEK), including revocation of Respondent's vocational license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

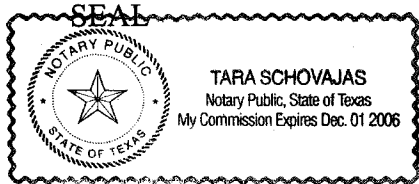
RESPONDENT'S CERTIFICATION

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 alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 2 day of August, 2006

Melissa Kaye Burke (Jasek)
MELISSA KAYE BURKE (JASEK), Respondent

Sworn to and subscribed before me this 2 day of August, 2006



Tara Schovajas
Notary Public in and for the State of Texas

Approved as to form and substance.

Lane D. Thibodeaux
Lane D. Thibodeaux, Attorney for Respondent

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 2nd day of Aug., 2006, by MELISSA KAYE BURKE (JASEK), Vocational Nurse License Number 174721, and said Order is final.

Entered and effective this 8th day of Aug., 2006.



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

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
	*	
VS.	*	
	*	
MELISSA JASEK	*	
AKA MELISSA KAYE TODD	*	COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of MELISSA KAYE JASEK AKA MELISSA KAYE TODD, an Applicant for Licensure by, examination hereinafter called Applicant.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Applicant of its intent to take disciplinary action with respect to said Application for Licensure, as a result of a subsequent investigation. Said investigation produced evidence indicating that Applicant has engaged in the intemperate use of alcohol or drugs, in violation of the Health Occupations Code, Chapter 302, Section 302.402 (a) (9), in the following manner:

I.

a. On or about July 1, 1999, Applicant submitted her Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On said Application, Applicant falsely answered "no" to the question(s) asking: "Have you engaged in the intemperate use of alcohol within the past three (3) years?".

II.

a. On or about July 1, 1999, Applicant submitted her Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On said Application, Applicant answered "yes" to the question(s) asking: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?".

b. On or about July 5, 1990, Applicant was convicted of the Misdemeanor offense of: DRIVING WHILE INTOXICATED in the County Court at Law Austin, County, Texas, under Cause Number 15289. As a result of said conviction; Applicant was placed on probation for a period of two (2) years.

c. On or about June 27, 1991, Applicant was convicted of the Misdemeanor offense of: DRIVING WHILE INTOXICATED in the County Court at Law Austin, County, Texas, under Cause Number 15657. As a result of said conviction; Applicant was placed on probation for a period of two (2) years.

AGREED BOARD ORDER

RE: MELISSA KAYE JASEK AKA MELISSA KAYE TODD, EXAM APPLICANT

PAGE 2

d. On about April 5, 1996, Applicant was indicted in the 155th Judicial District Court of Austin County, Texas, under Cause Number 96R-028 for the Felony offense of: DRIVING WHILE INTOXICATED. Subsequently, on December 9, 1997, Applicant's charge was reduced to a Class B Misdemeanor OBSTRUCTING A HIGHWAY.

e. Applicant has been convicted of a crime, which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

III.

a. On about August 4, 1999, the Board of Vocational Nurse Examiners received an unfavorable letter from the Program Director of Blinn College, in Brenham, Texas. Said letter indicated that Applicant on July 29, 1999, had reported to a clinical site with the odor of Alcohol aboard her person.

By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Applicant does hereby waive the right to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, that MELISSA JASEK AKA MELISSA KAYE TODD is hereby allowed to take the examination for licensure, and upon obtaining a passing score, be issued a license to practice vocational nursing in the State of Texas. Said license shall be suspended, with said suspension stayed and placed on probation for a period of two (2) years.

AGREED BOARD ORDER

RE: MELISSA KAYE JASEK AKA MELISSA KAYE TODD, EXAM APPLICANT

PAGE 3

The probation of said license is subject to the following stipulations, to wit:

1. That is Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulations of the Board.
3. That by copy of this Board Order Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis.
5. That any period(s) of nursing unemployment must be documented in writing by Applicant and submitted to the Board office, as provided in Stipulation No. four (4).
6. That Applicant shall work only under the supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the work premises during Applicant's shift assignment(s), throughout the term of probation.
7. That Applicant shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.
8. That Applicant shall not be the only licensed medical professional in the facility throughout the term of probation.
9. That Applicant shall attend weekly meetings of Alcoholics Anonymous (AA), and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a monthly basis for the first year of probation. Thereafter, and throughout the the remainder of said probation, Applicant shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis.
10. That Applicant shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Applicant's history, and it is incumbent upon Applicant to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.

AGREED BOARD ORDER

RE: MELISSA KAYE JASEK AKA MELISSA KAYE TODD, EXAM APPLICANT

PAGE 4

11. That Applicant shall submit to monthly blood alcohol drug screen(s) upon demand of the Board staff for the first year of probation. Thereafter, and throughout the remainder of said probation, Applicant shall submit to random periodic blood alcohol drug screen(s) upon demand of the Board staff throughout the term of probation. Applicant shall submit to a drug screening panel consisting of the following: Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Hydrocodone, Meperidine, Opiates, Propoxyphene, PCP, Morphine, Codeine, Methadone, and Methaqualone. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be borne by Respondent. the report of a positive drug screen shall be considered a violation of probation.

12. That Applicant shall provide the Board a telephone number by which Applicant may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Applicant must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulations No. eleven (11). An inability to contact Respondent by telephone to request said required drug screens shall be considered a violation of probation.

13. That Applicant shall obtain counseling (LCDC) counseling and shall be responsible for causing his/her counselor to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall obtain counseling and be responsible for causing his/her counselor to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

14. That Respondent shall pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners, 333 Guadalupe, Suite 3-400, Austin, TX 78701". Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 12th day of October, 1999.

Melissa Kaye Jasek
Signature of Applicant

AGREED BOARD ORDER
RE: MELISSA KAYE JASEK AKA MELISSA KAYE TODD, EXAM APPLICANT
PAGE 5

581 FM 1456
Current Address

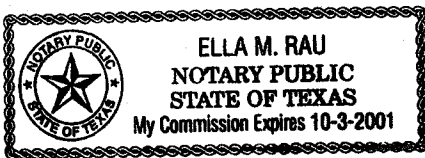
Bellville, Tx. 77418
City, State and Zip

409 1865-2676 / wk (409) 865-3145
Area Code and Telephone Number
wk (409) 836-6611
wk (409) 865-3689

The State of Texas
County of WASHINGTON

Before me, the undersigned authority, on this day personally appeared MELISSA JASEK AKA MELISSA KAYE TODD, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 12th day of October, 1999.

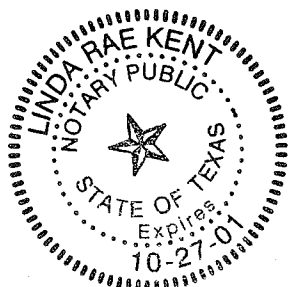


Ella M. Rau
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 10-3-2001

Mary M. Strange
Mary M. Strange, RN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 21st day of October, 1999.

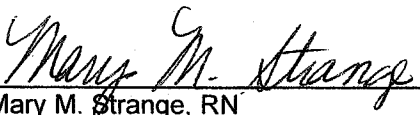
[Signature]
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



AGREED BOARD ORDER
RE: MELISSA KAYE JASEK AKA MELISSA KAYE TODD, EXAM APPLICANT
PAGE: 6

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 12th day of October, 1999 by Melissa Kaye Jasek aka Melissa Kaye Todd, Exam Applicant /Endorsement Applicant and that Said Order is Final.

Effective this 6th day of December, 1999.



Mary M. Strange, RN
Executive Director
On Behalf of Said Board

00174721

AGREED BOARD ORDER
RE: MELISSA KAYE JASEK AKA MELISSA KAYE TODD, EXAM APPLICANT
PAGE: 7

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of December, 1999, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

MELISSA JASEK
581 FM 1456
BELLVILLE, TX 77418



Mary M. Strange, RN
Executive Director
Agent for the Board of Vocational Nurse Examiners