



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.
Michelle Johnson
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 845794 §
& Vocational Nurse License Number 233082 §
issued to MELISSA ROWLAND § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that MELISSA ROWLAND, Registered Nurse License Number 845794 and Vocational Nurse License Number 233082, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on October 6, 2015, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Nancy Roper-Willson, Attorney at Law.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Austin Community College, Austin, Texas on December 9, 2010. Respondent received an Associate Degree in Nursing from Austin Community College, Austin, Texas on August 1, 2013. Respondent was licensed to practice vocational nursing in the State of Texas on January 27, 2011, and was licensed to practice professional nursing in the State of Texas on October 10, 2013.

5. Respondent's nursing employment history includes:

2/2011 - 3/2011	Unknown	
4/2011 - 9/2013	Licensed Vocational Nurse	Senior Care of Onion Creek Austin, Texas
10/2013-1/2015	Registered Nurse	Senior Care of Onion Creek Austin, Texas
2/2015 - Present	Registered Nurse	Reliant Austin Medical Rehabilitation Hospital Austin, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Senior Care of Onion Creek, Austin, Texas, and had been in that position for one (1) year and three (3) months.

7. On or about January 3, 2015, while employed as a Registered Nurse Charge Nurse with Senior Care of Onion Creek, Austin, Texas, Respondent failed to provide appropriate interventions when cardiopulmonary resuscitation (CPR) was performed on Patient Number 707. Respondent failed to properly ventilate the patient with an ambu-bag, failed to utilize a backboard and/or place the patient on a hard surface in order to perform effective compressions and failed to properly provide oxygen. The patient subsequently died from anoxic brain injury. Respondent's conduct likely led to patient demise in that the patient was not receiving effective CPR causing a lack of oxygen to the patient's brain resulting in his death.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that another nurse, (the night nurse) was assigned the responsibility for assuring that a backboard was appropriately in the facility. Respondent states she was assigned the patient care in halls 100 and 200. Respondent states she was not in a House Supervisor or administrative position. Respondent states a medication aide told her that help was needed for Patient Number 707 in hall 400. Respondent states another nurse was assigned as primary nurse for this patient. Respondent states she immediately got the Automatic External Defibrillator (AED) and ran to the patient's room. Respondent states upon entering the room, a Code was occurring and other nurses were present and attempting to render care for the patient. Respondent states the patient was in an older bed and the mattress could not be deflated for a flat surface, nor could the head or footboard be removed. Respondent states the Assistant Director of Nursing (ADON) was looking for a backboard in the facility, but could not find one. Respondent states she attached and activated the AED, began and continued chest compressions on the patient. Respondent states that she had no training for emergency situations from the facility.

9. On or about January, 2015, Respondent successfully completed a course in Basic Cardiopulmonary Life Support for Healthcare Providers, which would have been a requirement of this Order.
10. On or about May 18, 2015, Respondent successfully completed a course in Advanced Cardiopulmonary Life Support.
11. On or about July 3, 2015, Respondent successfully completed a course in Sharpening Critical Thinking Skills, which would have been a requirement of this Order.
12. On or about August 19, 2015, Respondent successfully completed a course in Texas Nursing Jurisprudence and Ethics, which would have been a requirement of this Order.
13. Respondent submitted letters of reference from her current place of employment which state that Respondent works efficiently and effectively, is dependable, is a trusted resource, and provides clinical oversight to the nursing staff. According to the letters, Respondent is respected by her peers and physicians and is a true asset to the facility and its patients.

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)(C),(1)(M)&(3)(A) and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 845794 and Vocational Nurse License Number 233082, heretofore issued to MELISSA ROWLAND.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL

notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.

- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- D. Nursing Performance Evaluations:** 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 and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

IV. RESTORATION OF UNENCUMBERED LICENSE(S)

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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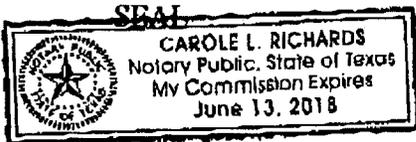
RESPONDENT'S CERTIFICATION

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 entry of this 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 when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of December, 2015.

Melissa Rowland
MELISSA ROWLAND, Respondent

Sworn to and subscribed before me this 10 day of December, 2015



Carole Richards
Notary Public in and for the State of Texas

Approved as to form ^{new} and substance.

Nancy Roper-Willson
Nancy Roper-Willson, Attorney for Respondent

Signed this 10th day of December, 2015

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of December, 2015, by MELISSA ROWLAND, Registered Nurse License Number 845794 and Vocational Nurse License Number 233082, and said Order is final.

Effective this 21st day of January, 2016.



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