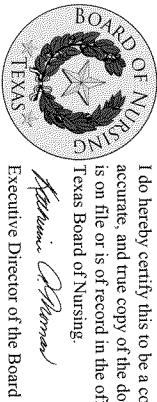


IN THE MATTER OF PERMANENT
VOCATIONAL NURSE
LICENSE NUMBER 218781
ISSUED TO
MELISSA DIANE ARREDONDO,
RESPONDENT

§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE



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.

ORDER OF THE BOARD

TO: Melissa Diane Arredondo
5236 Witt
San Antonio, Texas 78228

During open meeting held in Austin, Texas, on **Tuesday, November 8, 2016**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.


All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 218781, previously issued to MELISSA DIANE ARREDONDO, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this **8th day of November, 2016.**

TEXAS BOARD OF NURSING

BY: 
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed August 10, 2016.

d17r(lvn)(2016.05.11)

Re: Permanent Vocational Nurse License Number 218781
Issued to MELISSA DIANE ARREDONDO
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of November, 2016, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Melissa Diane Arredondo
5236 Witt
San Antonio, Texas 78228

Via USPS First Class Mail

Melissa Diane Arredondo
5236 Witt
San Antonio, Texas 78228

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of § BEFORE THE TEXAS
Permanent Vocational Nurse §
License Number 218781 §
Issued to MELISSA DIANE ARREDONDO, §
Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MELISSA DIANE ARREDONDO, is a Vocational Nurse holding License Number 218781, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about November 13, 2015, Respondent failed to comply with the Agreed Order issued to Respondent on November 12, 2014, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Roman Numeral III. Remedial Education Course (B) of the Agreed Order which states, RESPONDENT SHALL successfully complete the following remedial education course within one (1) year of entry of this Order, unless otherwise specifically indicated:

- B. A Board-approved course in medication administration with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours...

A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated November 12, 2014, is attached and incorporated herein, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE II.

On or about November 13, 2015, Respondent failed to comply with the Agreed Order issued to Respondent on November 12, 2014, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Roman Numeral III. Remedial Education Course (C) of the Agreed Order which states, RESPONDENT SHALL successfully complete the following remedial education course within one (1) year of entry of this Order, unless otherwise specifically indicated:

- C. A Board-approved course in nursing documentation that shall be a minimum of six (6) hours in length...

A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated November 12, 2014, is attached and incorporated herein, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE III.

On or about November 13, 2015, Respondent failed to comply with the Agreed Order issued to Respondent on November 12, 2014, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Roman Numeral III. Remedial Education Course (E) of the Agreed Order which states, RESPONDENT SHALL successfully complete the following remedial education course within one (1) year of entry of this Order, unless otherwise specifically indicated:

- E. The Course "Professional Accountability..." a 5.4 contact hour online program provided by the National Council of the State Boards of Nursing (NCSBN) Learning Extension.

A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated November 12, 2014, is attached and incorporated herein, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

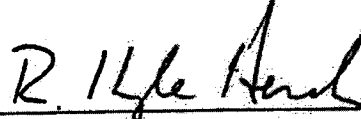
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated November 12, 2014.

Filed this 10th day of August, 20 16.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

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John F. Legris, Assistant General Counsel
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State Bar No. 19358600

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated November 12, 2014

D(2015.11.18)



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 TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 218781 §
issued to MELISSA DIANE ARREDONDO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of MELISSA DIANE ARREDONDO, Vocational Nurse License Number 218781, 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)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 5, 2014.

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.
4. Respondent received a Certificate in Vocational Nursing from Galen College of Nursing, San Antonio, Texas, on August 1, 2008. Respondent was licensed to practice vocational nursing in the State of Texas on October 21, 2008.
5. Respondent's nursing employment history includes:

10/2008-1/2009	Unknown	
2/2009-7/2009	Licensed Vocational Nurse	Memorial Medical Nursing Home San Antonio, Texas
8/2009-9/2009	Unknown	

Respondent's nursing employment history continued:

10/2009-9/2012	Licensed Vocational Nurse	Special Kids Care San Antonio, Texas
11/2012-2/2013	Licensed Vocational Nurse	Resource Home Health Services San Antonio, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Special Kids Care, San Antonio, Texas, and had been in that position for two (2) years and eleven (11) months.
7. On or about September 1, 2012, through September 4, 2012, while employed as a Licensed Vocational Nurse with Special Kids Care, San Antonio, Texas, Respondent falsely documented assessments, including bowel tones, lung sounds, and vital signs, in the medical record of Patient HB. Respondent's conduct was deceptive and was likely to injure the patient in that subsequent care givers would rely on her documentation to provide further care.
8. On or about September 4, 2012, while employed as a Licensed Vocational Nurse with Special Kids Care, San Antonio, Texas, Respondent left her assignment with Patient H.B. prior to the end of her shift without notifying her supervisor or attempting to arrange nursing coverage for the remainder of the shift. The patient's mother called Special Kids Care to request another nurse come to the patient's home to complete the shift. Additionally, Respondent violated professional boundaries when she developed a personal relationship with patient H.B. and her family. Respondent's conduct was likely to cause emotional injury to the client and could have interfered or disrupted this patient's treatment.
9. On or about November 15, 2012, through February 3, 2013, while employed as a Licensed Vocational Nurse with Resource Home Health Services, San Antonio, Texas, Respondent failed to completely and accurately document all skilled nurses' notes on her assigned patients. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to provide further care.
10. On or about January 15, 2013, through January 17, 2013, while employed as a Licensed Vocational Nurse with Resource Home Health Services, San Antonio, Texas, Respondent failed to notify the physician of Patient SA086 when she discovered the patient had no insulin available for administration during her skilled nursing visits. Instead, Respondent falsely documented administering the insulin. Respondent documented that insulin Novolog 70/30 was not available in the home in her skilled nursing note but checked the boxes for injection, preparation and administration of the insulin in the skills provided section of the same skilled nursing visit note. Respondent's conduct exposed the patient unnecessarily to risk of harm from ineffective treatment, deprived the patient's physician the opportunity to institute medical interventions, and resulted in an inaccurate medical record.

11. In response to Finding of Fact Numbers Seven (7) through Ten (10), Respondent states her schedule was suddenly cleared without her being notified and when she called the office to ask why she was not given a reason. Respondent states she was locked out of the computer system so she couldn't complete her documentation and after she was told she could come to the office to complete her outstanding corrections she was busy with her new job and didn't have time. Respondent states it was never her intention to not complete her documentation and it was unfortunate that she was never told why her schedule was cleared. Respondent states she reported to the case manager that the insulin was not given. Respondent states that multiple attempts were made to obtain samples from different pharmacies without success.

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)(D), (1)(I), (1)(J) & (1)(M) and 217.12(1)(A), (1)(B), (1)(C), (4), (6)(A) & (6)(D).
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 218781, heretofore issued to MELISSA DIANE ARREDONDO, including revocation of Respondent's license(s) to practice nursing in the State of Texas.~~

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND 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. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of entry of this Order, unless otherwise specifically indicated:

- A. A course in Texas nursing jurisprudence and ethics that 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. Home study courses and video programs will not be approved.
- B. A Board-approved course in medication administration with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. 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. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

- C. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- D. **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.
- E. **The course "Professional Accountability!"** a 5.4 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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse, ~~providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours~~ per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) 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 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 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. **Direct Supervision:** For the first year [four (4) quarters] 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). 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.
- ~~D. **Indirect Supervision:** 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.~~
- E. **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 eight (8) quarters [two (2) years] of employment as a nurse.

V. 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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CONTINUED ON NEXT PAGE.

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 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 2nd day of October, 2014.

Melissa Arredondo
MELISSA DIANE ARREDONDO, Respondent

Sworn to and subscribed before me this 2nd day of October, 2014.



Irene Gomez
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 2nd day of October, 2014, by MELISSA DIANE ARREDONDO, Vocational Nurse License Number 218781, and said Order is final.

Effective this 12th day of November, 2014.



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