



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 License Number 582352
issued to MELANIE DAWN FIELDER

§ AGREED
§ ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MELANIE DAWN FIELDER, License Number 582352, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9) and (10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on June 12, 2000, 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 professional nursing in Texas.
4. Respondent received an Associate Degree in Nursing from Blinn College, Bryan, Texas, in May 1992. Respondent was licensed to practice professional nursing in the State of Texas in August 1992.
5. Respondent's professional employment history is unknown.

- ~~not~~ *to, but was not convicted of,* *JAB III*
6. On or about October 29, 1999, Respondent plead guilty ~~to~~ an indictment for possession of a controlled substance, cocaine, in the 85th District Court of Brazos County, Texas. Possession of cocaine is prohibited by Chapter 481 of the Texas Health and Safety Code (Texas Controlled Substance Act). *JAB III*
 7. Respondent was placed on deferred adjudication for a period of five (5) years, ordered to pay a fine in the amount of one thousand dollars (\$1000.00), and pay one hundred forty dollars (\$140.00) in restitution. *JAB III*
 8. The Respondent's conduct described in Finding of Fact number seven (7) above was reportable under the provisions of Sections 301.401-.419 of the Texas Occupations Code.
 9. The Board finds that Respondent's intemperate use of ~~controlled substances or chemical dependency~~ *(cocaine) drugs could have* resulted in impaired nursing care and ~~affected serious risk to public health and safety~~ *could endanger a patient.* *JAB III*
 10. Respondent's conduct described in Findings of Fact Number six (6) and seven (7) resulted from ~~Respondent's impairment by dependency on chemicals~~ *and nine (9)* Respondent's *unprofessional conduct and suspected impairment by chemical dependency.* *JAB III*
 11. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public. *JAB III*

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Texas Occupations Code Section 301.452(b)(9) and (10), and 22 TEX. ADMIN. CODE §217.12(1).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 582352, heretofore issued to MELANIE DAWN FIELDER, including revocation of Respondent's professional 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.

6. On or about October 29, 1999, Respondent plead guilty to, but was not convicted of an indictment for possession of a controlled substance, cocaine, in the 85th District Court of Brazos County, Texas. Possession of cocaine is prohibited by Chapter 481 of the Texas Health and Safety Code (Texas Controlled Substance Act).
7. Respondent was placed on deferred adjudication for a period of five (5) years, ordered to pay a fine in the amount of one thousand dollars (\$1000.00), and pay one hundred forty dollars (\$140.00) in restitution.
8. The Respondent's conduct described in Finding of Fact number seven (7) above was reportable under the provisions of Sections 301.401-.419 of the Texas Occupations Code.
9. The Board finds that Respondent's intemperate use of drugs (cocaine) could have resulted in impaired nursing care and could have endangered a patient.
10. Respondent's conduct described in Findings of Fact Number six (6), seven (7) and nine (9) resulted from Respondent's unprofessional conduct and suspected impairment by 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-.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Texas Occupations Code Section 301.452(b)(9) and (10), and 22 TEX. ADMIN. CODE §217.12(1).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 582352, heretofore issued to MELANIE DAWN FIELDER, including revocation of Respondent's professional 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 (hereinafter, "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.

(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, SHOULD RESPONDENT be convicted of offenses as outlined in Finding of Fact Number Seven (7), conviction will result in further disciplinary action including revocation of Respondent's license to practice professional nursing in the State of Texas.

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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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 to practice professional nursing in the State of Texas.

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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 violations alleged herein. 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

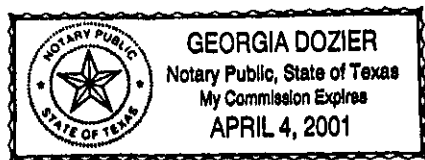
Signed this 31st day of August, 2000.




MELANIE DAWN FIELDER, Respondent

Sworn to and subscribed before me this 31 day of August, 2000.

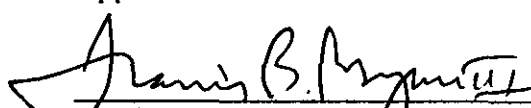
SEAL





Notary Public in and for the State of _____

Approved as to form and substance.



Travis B. Bryan III, Attorney for Respondent

Signed this 31 day of Aug, 2000.

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 31st day of August, 2000, by MELANIE DAWN FIELDER, License Number 582352, and said Order is final.

Entered and effective this 6th day of September, 2000.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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