

# BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
Registered Nurse License Number 780946	§	
issued to MELISSA NICOLE BLACK	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MELISSA NICOLE BLACK, Registered Nurse License Number 780946, 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),(12)&(13) Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 29, 2019.

## 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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Womans University, Denton, Texas, on December 19, 2009. Respondent was licensed to practice professional nursing in the State of Texas on February 9, 2010.
5. Respondent's nursing employment history includes:

2/2010 -- 02/2017	RN	Lewisville Medical Center Lewisville, TX
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Respondent's nursing employment history continued:

03/2017 – 08/2017	RN	Parkland Health & Hospital System Dallas, Texas
09/2017 – 10/2017	Unknown	
10/2017 – Present	RN	OCC MD Dallas, Texas

6. At the time of the initial incident, Respondent was employed as a registered nurse with Parkland Health and Hospital, Dallas, Texas, and had been in that position for approximately five (5) months.
7. On or about August 26, 2017, while employed with Parkland Health & Hospital System, Dallas, Texas, Respondent exhibited unprofessional behavior in that during shift change she stated, "I just want to F\*\*\*\*\* give report and get the f\*\*\* out of here," loud enough that it was heard by Patient 127272. Additionally, Respondent appeared annoyed physically and in her tone when asked questions for clarification of patient care and interrupted another shift change report in front of the patient's family members. Respondent's conduct was inappropriate and could have been disruptive to the patient's treatment.
8. On or about August 26, 2017, while employed with Parkland Health & Hospital System, Dallas, Texas, Respondent lacked fitness to practice professional nursing in that she was observed sleeping at the nurse's station during her shift. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
9. On or about August 26, 2017, while employed with Parkland Health & Hospital System, Dallas, Texas, Respondent placed a rectal tube in Patient Medical Record Number 127272 without a physician's order and after it had been noted the patient had blood in her stool. Respondent's conduct was likely to injure the patient from further medical complications.
10. In response to Finding of Fact Number Seven (7), Respondent denies unprofessional behavior, denies conduct that was inappropriate and could have been disruptive to the patient's treatment. Additionally, Respondent notes that she was at the end of three consecutive twelve plus-hour shifts. Respondent explains that all needed and pertinent patient information was provided to the oncoming nurse who had covered this shift in her previous shift. In response to Finding of Fact Number Eight (8), Respondent denies sleeping at nurse station. Regarding Finding of Fact Number Nine (9), Respondent admits

using a modified Mallencot tube to collect stool sample for analysis. Respondent denies her conduct was likely to injure the patient from further medical conditions. As a prudent nurse, Respondent states she was constantly monitoring for any blood in the stool given this patient's medical history and condition. Respondent explains that she noticed some hematochezia just before 0400 and alerted the provider on call for the evening. Respondent states the plan was to obtain some stool samples to send for testing. In order to obtain these samples, Respondent states a Mallencot tube was used. The Nurse Practitioner came to bedside, stayed for some time, monitoring the flow of stool excreting from the patient and the order was then placed.

11. Formal Charges were filed on January 22, 2019.

### 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)(T) and 22 TEX. ADMIN. CODE §217.12(1)(B),(1)(E),(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 780946, heretofore issued to MELISSA NICOLE BLACK.
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** and RESPONDENT'S license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the

Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

Until such time that RESPONDENT'S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

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**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this 24 day of March, 20 21.

Melissa Nicole Black  
MELISSA NICOLE BLACK, RESPONDENT

Sworn to and subscribed before me this 24 day of MARCH, 20 21.

SEAL

RESPONDENT IS OUTSIDE U.S.

Notary Public in and for the State of \_\_\_\_\_

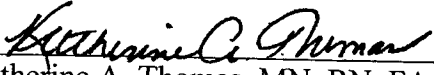
Approved as to form and substance.

Robert B. Smith  
Robert B. Smith, Attorney for Respondent

Signed this 24 day of MARCH, 20 21.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of March, 2021, by MELISSA NICOLE BLACK, Registered Nurse License Number 780946, and said Agreed Order is final.

Effective this 22nd day of April, 2021.

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