



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

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In the Matter of  
Registered Nurse License Number 686948  
issued to MELANIE ELAINE BRAZZELL

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MELANIE ELAINE BRAZZELL, Registered Nurse License Number 686948, 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)(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 June 30, 2020.

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 an Associate Degree in Nursing from Lamar University, Beaumont, Texas, on May 11, 2002. Respondent was licensed to practice professional nursing in the State of Texas on June 25, 2002.
5. Respondent's nursing employment history includes:

06/2002 – 03/2006

Unknown

Unknown

Respondent's nursing employment history continued:

04/2006 – 07/2007	Registered Nurse	Advanced Infertility Center of Texas Houston, Texas
07/2007 – 02/2009	Registered Nurse	Red Oak Psychiatry Associates Houston, Texas
03/2009 – 07/2018	Unknown	Unknown
08/2018 – Present	Registered Nurse	Klein Independent School District, Klenk Elementary Houston, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Klein Independent School District, Klenk Elementary, Houston, Texas, and had been in that position for one (1) year and seven (7) months.
7. On or about March 3, 2020, through March 4, 2020, while working as a Registered Nurse and employed with Klein Independent School District, Klenk Elementary, Respondent failed to perform a complete assessment and/or document her complete assessment of Student AK. Specifically, Student AK was brought to the school clinic on two (2) different occasions by her Teacher. The Teacher noted that the student appeared unwell, seemed tired, felt warm to the touch and had an increased heart rate of 150 beats per minute. Respondent instructed the Teacher to take the student back to the classroom and contact her Mother via email. Additionally, Respondent failed to notify the parents of Student AK that she had been seen twice in the nurse's office and had continued symptoms including a cough and abnormal lung sounds. Subsequently, shortly after the student arrived at her after school daycare facility on March 4, 2020, her condition declined, emergency medical services (EMS) was activated, the student was found to be pulseless, and had a temperature of one hundred and three (103). The student was transported to the hospital via Life Flight where she expired. Respondent's conduct could have resulted in a delay in treatment for the patient that was needed to prevent further complications.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that Student AK was seen in the clinic on the morning of March 3, 2020. Respondent states that the Teacher stated that Student AK had been a little more tired today and had lots of drainage from her nose. Respondent states that Student AK always had some drainage from her nose that had to be wiped frequently. Respondent reports that the drainage was clear, there was no fever, but that the student did have a cough. Respondent reports that she auscultated the student's lungs, which were raspy, bilaterally in the upper lobes, but clear in the lower lobes. Respondent states that the air movement was okay. Respondent states that Student AK returned with her teacher to the classroom. Respondent states that there

was no further contact or concern on March 3, 2020. Respondent states that on March 4, 2020, Student AK was seen again in the clinic in the afternoon. Respondent states that she was at lunch when Student AK was initially brought in, but walked back in during the time of her office visit. Respondent states that the Teacher asked the clinic assistant to take the student's temperature, and the clinic assistant scanned the student's forehead for a temperature, which was normal. Respondent states that she asked what was going on with the student and was told that she was just acting like she didn't feel well, and seemed more tired today. Respondent states that she went directly to the student and ran her hand across her forehead to see if she felt warm. Respondent states that the student's skin temperature to her touch, felt warm, but not feverish. Respondent states that Student AK was sitting in her chair at a slight decline, drowsy, for the most part, but responsive to her physical touch. Respondent states that the student was not in distress and she did not have labored breathing. Respondent states that she took the forehead scanner and used it along the student's forehead several times, all which were normal and read between 98.2 to 98.6. Respondent states that she then scanned behind her right ear, which read 99.6. Respondent states that the Teacher mentioned that Student AK's pulse looked elevated. Respondent states that the way her head was tilted back, she could see her carotid pulse and it was easily palpated. Respondent states that the Teacher had placed her own wristband heart rate monitor on the Student and said it read 150. Respondent states that she was not overly concerned, because normal heart rate is 80-120. Respondent states that she attempted to place a pulse ox on the Student's finger and she pulled away making a loose fist. Respondent states that she asked the teacher if she could email the mother and see how Student AK had been acting at home. Respondent knew that, as the special education teacher, the teacher would have had frequent contact with the mother. Respondent states that the teacher took the student back to the class. Respondent states that she thought if there was any relevant information provided to the teacher by the mother, that she would be informed, and at that point she would intervene. Respondent states that the teacher expressed no hesitancy or concern about contacting Student AK's mother.

9. On or about April 13, 2020, Respondent successfully completed a Board approved class in sharpening critical thinking skills, which would have been a requirement of this Order.
10. On or about September 16, 2020, Respondent successfully completed a Board approved class in nursing jurisprudence and ethics, which would have been a requirement of this Order.
11. On or about February 13, 2021, Respondent successfully completed a Board approved class in documentation, which would have been a requirement of this Order.
12. On or about March 19, 2021, Respondent successfully completed a Board approved class in physical assessment, which would have been a requirement of this Order.

### 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)(D),(1)(M),(1)(P)&(3)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 686948, heretofore issued to MELANIE ELAINE BRAZZELL.
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 **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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

#### **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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

### III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

### IV. 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 clinical 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. 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. Respondent's current employment at Klein Independent School District, Health Services, Houston, Texas, as a COVID-19 Tracer meets this requirement for purposes of this order.

- 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. **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 of 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual 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 Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, 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 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.

Signed this 12<sup>th</sup> day of May, 2021.

Melanie Elaine Brazzell  
MELANIE ELAINE BRAZZELL, RESPONDENT

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

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

Approved as to form and ~~substance~~ <sup>me</sup>.

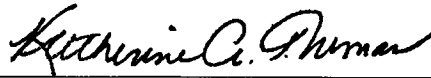
Nancy Roper Willson  
Nancy Roper Willson, Attorney for Respondent

Signed this 12<sup>th</sup> day of May, 2021.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12<sup>th</sup> day of May, 2021, by MELANIE ELAINE BRAZZELL, Registered Nurse License Number 686948, and said Agreed Order is final.

Effective this 8th day June of, 2021.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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