



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	§	AGREED ORDER
Registered Nurse License Number 802081	§	
& Vocational Nurse License Number 187693	§	
issued to MELISSA CAROLYN MCCOY	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MELISSA CAROLYN MCCOY, Registered Nurse License Number 802081, and Vocational Nurse License Number 187693, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 8, 2021.

### 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 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 Tyler County Hospital, Woodville, Texas, on December 20, 2002. Respondent received an Associate Degree in Nursing from Angelina College, Lufkin, Texas, on May 13, 2011. Respondent was licensed to practice vocational nursing in the State of Texas on January 23, 2003. Respondent was licensed to practice professional nursing in the State of Texas on June 14, 2011.

5. Respondent's nursing employment history includes:

1/2003 – 7/2003	Unknown	
8/2003 – 8/2008	Licensed Vocational Nurse	Woodville Health and Rehab Center Woodville, Texas
8/2008 – 7/2016	Registered Nurse	Castle Pines Nursing and Rehab Center Lufkin, Texas
7/2009 – 9/2011	Registered Nurse	Parkwood Place Nursing and Rehab Lufkin, Texas
9/2010 – 8/2016	Registered Nurse	Christus Jasper Memorial Jasper, Texas
8/2013 – 12/2019	Registered Nurse	CDS in Texas San Antonio, Texas
1/2017 – Present	Registered Nurse	HCA Houston Healthcare Conroe Conroe, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with HCA Houston Healthcare Conroe, Conroe, Texas, and had been in that position for three (3) years and eight (8) months.
7. On or about September 9, 2020, while employed as a Registered Nurse by HCA Houston Healthcare, Conroe, Texas, Respondent failed to administer a Lactulose enema to Patient Medical Record Number BH00732637, who had liver cirrhosis, at 0700 as ordered by the provider at 0601. Respondent's conduct was likely to injure the patient from complications ineffective treatment of cirrhosis including a decline in brain function and altered level of consciousness.
8. On or about September 9, 2020, while employed as a Registered Nurse by HCA Houston Healthcare, Conroe, Texas, Respondent failed to timely intervene when Patient Medical Record Number BH00732637 had expiratory wheezing at 0800 and inability to take medications due to altered mental status and agitation at 0900. Instead, Respondent waited until 0945 start attempting to contact the patient's providers. Subsequently, the patient experienced respiratory distress with oxygen saturation of 88% at 1050 and required intubation with mechanical ventilation. Respondent's conduct deprived the providers of timely information and was likely to injure the patient from delayed onset of needed medical interventions.

9. On or about September 9, 2020, while employed as a Registered Nurse by HCA Houston Healthcare, Conroe, Texas, Respondent failed to administer intravenous potassium, as ordered by the provider at 0945, when Patient Medical Record Number BH00732637 had a low potassium level of 2.9. Subsequently the patient was transferred to the intensive care unit (ICU) for respiratory distress and the potassium was administered by the nurse in ICU at 1336. Respondent's conduct was likely to injure the patient from complications of low potassium levels including breathing difficulty, muscle weakness/cramping, and/or abnormal heart rhythms.
10. On or about September 9, 2020, while employed as a Registered Nurse by HCA Houston Healthcare, Conroe, Texas, Respondent failed to accurately and completely assess vital signs and oxygen saturations and/or documents assessment when Patient Medical Record Number BH00732637 had respiratory and mentation changes. Respondent's conduct was likely to injure the patient in that subsequent caregivers would rely on Respondent's assessments and documentation to provide further care.
11. In response to Finding of Fact Number Seven (7), Respondent states she did not give lactulose enema until she could confer with physician because the most recent ammonia result was within normal range and she had difficulty obtaining the patient's cooperation. In response to Finding of Fact Number Eight (8), Respondent states on initial assessment the patient had mild wheezing and confusion but was not in distress. Later, when the patient was unable to follow commands and/or take oral medications, Respondent states she started attempting to contact providers for orders and/or evaluation at 0929. Respondent states a Code Save was called at 1042 when the patient experienced an acute change in condition including respiratory distress and low oxygen saturation. In response to Finding of Fact Number Ten (10), Respondent states she and the nurse technician checked the patient's oxygen saturation approximately every 30 minutes and she continuously monitored vital signs. Respondent does not know why the vital signs are not documented in the record and suspects saturations are not in the record due to oversight. In addition, Respondent states she did not have the opportunity to document all her assessments, saturations and interventions, and she relied on preset alarms and the telemetry tech to notify her of signs of deterioration.

### 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)(M),(1)(P)&(3)(A) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(C)&(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 802081, and Vocational Nurse License Number 187693, heretofore issued to MELISSA CAROLYN MCCOY.
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, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 802081, and Vocational Nurse License Number 187693, previously issued to MELISSA CAROLYN MCCOY, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a minimum of two (2) years **AND** until RESPONDENT fulfills the additional requirements 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. 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 the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved 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 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 must 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 physical assessment** 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 must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. 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.
- D. **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.
- E. **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.

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](http://www.bon.texas.gov/compliance).*

## V. 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.

- 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.

**VI. FURTHER COMPLAINTS**

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against RESPONDENT'S license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

**VII. 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

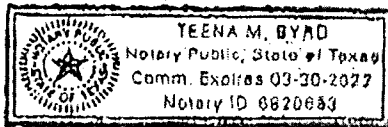
I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action 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 21 day of May, 2021.

Melissa Carolyn McCoy  
MELISSA CAROLYN MCCOY, RESPONDENT

Sworn to and subscribed before me this 21 day of May, 2021.

SEAL



Teena M. Byrd  
Notary Public in and for the State of Texas

Approved as to form and substance.

J. S. Garib  
Maggie Garib, Attorney for Respondent

Signed this 21st 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 21<sup>st</sup> day of May, 2021, by MELISSA CAROLYN MCCOY, Registered Nurse License Number 802081, and Vocational Nurse License Number 187693, and said Agreed Order is final.

Effective this 8<sup>th</sup> day of June, 2021.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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