



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
Registered Nurse License Number 697816
issued to MELISSA MICHELLE ADAMS

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MELISSA MICHELLE ADAMS, Registered Nurse License Number 697816, 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)(3), 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 September 13, 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 professional nurse in the State of Texas is in suspended status.
4. Respondent received an Associate Degree in Nursing from Texarkana Community College, Texarkana, Texas, on May 16, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 8, 2003.
5. Respondent's nursing employment history includes:

07/03 - 10/05	Staff RN	Christus St. Michael Health System Texarkana, Texas
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Respondent's professional nursing employment history continued:

10/05 - 02/06	Staff RN	Serenity Hospice Texarkana, Texas
03/06 - 07/06	Staff RN	Heritage Home Health Texarkana, Texas
08/06 - 10/06	Staff RN	Reunion Plaza Nursing Center Texarkana, Texas
11/06 - 03/07	Unknown	
04/07 - 06/07	Staff RN	Medical Lodge Texarkana, Texas
07/07 - 09/07	Unknown	
10/07 - 10/09	RN Medicare Coordinator	Texarkana Nursing Center Texarkana, Texas
10/09 - 10/12	RN Case Manager	Cypress Home Care, Inc. Texarkana, Texas
10/12 - 10/14	RN Case Manager	Heritage Home Health Texarkana, Texas
10/14 - 04/15	RN/ADON	Heritage Home Health Texarkana, Texas
10/14 - Unknown	Agency RN	NurseStaffing Texarkana, Texas
04/15 - Unknown	RN/DON	Heritage Home Health Texarkana, Texas
10/16 - Unknown	Agency RN	Priority Nurse Staffing Shreveport, Louisiana
01/18 - 03/18	RN	Wadley Regional Medical Center Texarkana, Texas
03/18 - 06/18	RN	Dierksen Memorial Hospice Texarkana, Texas

Respondent's professional nursing employment history continued:

06/18 - 07/18	RN	Edgewood Manor Texarkana, Texas
08/18 - Present	Unknown	

6. On or about August 14, 2007, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. Respondent successfully completed the terms of this Order on October 19, 2009. A copy of the August 14, 2007, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about September 11, 2018, Respondent's license to practice nursing in the State of Texas was Suspended through an Order of the Board, which also approved Respondent's petition for APRN licensure upon meeting the requirements for the staying the Suspension. Respondent has not met the requirements for staying the Suspension. A copy of the September 11, 2018, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about January 14, 2019, Respondent entered a plea of Guilty to EXPLOITATION OF CHILD/ELDERLY/DISABLED, 3rd Degree Felony offense committed on June 1, 2018, in the 202nd District Court of Bowie County, Texas under Cause No. 18F1319-202. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of Guilt, and Respondent was placed on probation for a period of five (5) years and ordered to pay a fine and court costs. On May 5, 2021, Respondent was discharged from probation.
9. The Board finds that the above criminal offense resulted from the conduct in Finding of Fact Number Fourteen (14) in the September 11, 2018, Order of the Board.
10. In Response to Finding of Fact Number Eight (8), Respondent states this charge resulted from her relapse into addiction. All terms of the probation were completed and she was discharged from probation. Respondent is in touch with her case manager with the Board to complete the suspension part of her enforced suspension to show one (1) year of sobriety

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 cause pursuant to Section 301.452(b)(3), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 697816, heretofore issued to MELISSA MICHELLE ADAMS.
4. 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. COMPLY WITH PRIOR ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the Agreed Order for Discipline & Eligibility issued to RESPONDENT on September 11, 2018, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing all terms and requirements of that Agreed Order for Discipline & Eligibility.

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RESPONDENT'S CERTIFICATION

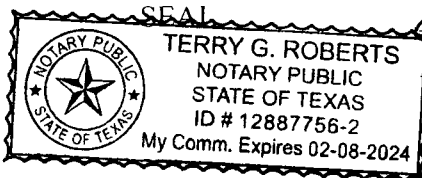
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 4 day of October, 2021.

Melissa Michelle Adams

MELISSA MICHELLE ADAMS, RESPONDENT

Sworn to and subscribed before me this 6th day of October, 2021.




Terry Roberts

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 6th day of October, 2021, by MELISSA MICHELLE ADAMS, Registered Nurse License Number 697816, and said Agreed Order is final.

Effective this 9th day of November, 2021.



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



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 ORDER
Registered Nurse License Number 697816	§	
issued to MELISSA MICHELLE ADAMS	§	FOR
& PETITIONER for Eligibility	§	
for Advanced Practice Licensure	§	DISCIPLINE & ELIGIBILITY

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Registered Nurse License Number 697816, and the Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority, filed by MELISSA MICHELLE ADAMS, hereinafter referred to as PETITIONER.

Information received by the Board produced evidence that PETITIONER may be subject to discipline and ineligible for advanced practice licensure/authorization pursuant to Sections 301.452(b)(9),(10)&(13) and 301.453, Texas Occupations Code. Petitioner waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 9, 2018.

FINDINGS OF FACT

1. On or about June 30, 2017, PETITIONER submitted an Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.2(b).
2. Petitioner waived notice and hearing and agreed to the entry of this Order.
3. Petitioner's license to practice as a professional nurse in the State of Texas is in current status.
4. Petitioner received an Associate Degree in Nursing from Texarkana Community College, Texarkana, Texas, on May 16, 2003; and Respondent received a Master's Degree in Nursing

from Walden University, Minneapolis, Minnesota, on May 14, 2017. Respondent was licensed to practice professional nursing in the State of Texas on July 8, 2003.

5. Respondent's professional nursing employment history includes:

07/03 - 10/05	Staff RN	Christus St. Michael Health System Texarkana, Texas
10/05 - 02/06	Staff RN	Serenity Hospice Texarkana, Texas
03/06 - 07/06	Staff RN	Heritage Home Health Texarkana, Texas
08/06 - 10/06	Staff RN	Reunion Plaza Nursing Center Texarkana, Texas
11/06 - 03/07	Unknown	
04/07 - 06/07	Staff RN	Medical Lodge Texarkana, Texas
07/07 - 09/07	Unknown	
10/07 - 10/09	RN Medicare Coordinator	Texarkana Nursing Center Texarkana, Texas
10/09 - 10/12	RN Case Manager	Cypress Home Care, Inc. Texarkana, Texas
10/12 - 10/14	RN Case Manager	Heritage Home Health Texarkana, Texas
10/14 - 04/15	RN/ADON	Heritage Home Health Texarkana, Texas
10/14 - Unknown	Agency RN	NurseStaffing Texarkana, Texas
04/15 - Unknown	RN/DON	Heritage Home Health Texarkana, Texas
10/16 - Unknown	Agency RN	Priority Nurse Staffing Shreveport, Louisiana

Respondent's professional nursing employment history continued:

01/18 - 03/18	RN	Wadley Regional Medical Center Texarkana, Texas
03/18 - 06/18	RN	Dierksen Memorial Hospice Texarkana, Texas
06/18 - 07/18	RN	Edgewood Manor Texarkana, Texas
08/18 - Present	Unknown	

6. On or about August 14, 2007, Petitioner was issued an AGREED ORDER by the Board of Nurse Examiners for the State of Texas, requiring her to enroll and participate in the Texas Peer Assistance Program for Nurses (TPAPN). Petitioner successfully completed the terms of this Order on October 19, 2009. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated August 14, 2007, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Petitioner was employed as a Registered Nurse (RN) with Wadley Regional Medical Center, Texarkana, Texas, and had been in that position for two (2) months.
8. On or about March 20, 2018, through March 21, 2018, while employed as a Registered Nurse (RN) with Wadley Regional Medical Center, Texarkana, Texas, Petitioner falsely documented that Patient Number 1807500104 [ND] reported a pain score of 7 or 8 throughout her shift, and Petitioner documented that she administered Morphine IV to the patient at 1955, 2130, 2353, 0259, and 0517. Patient ND told the oncoming shift nurse and physician that he did not experience any pain during Petitioner's shift. Petitioner's conduct was deceptive, created an inaccurate medical record, and unnecessarily exposed the patient to a risk of harm from complications associated with unnecessary doses of Morphine.
9. On or about March 20, 2018, through March 21, 2018, while employed as a Registered Nurse (RN) with Wadley Regional Medical Center, Texarkana, Texas, Petitioner misappropriated Morphine from the facility and patients thereof. Petitioner's conduct was likely to defraud the facility and patients of the cost of the Morphine.
10. On or about May 21, 2018, while employed as a Registered Nurse (RN) with Dierksen Hospice, Texarkana, Texas, Petitioner obtained a verbal physician's order to increase the dose of Hydrocodone for Patient Number DH08632 [JH] from 5/325mg to 10/325mg tablets, without actually seeing the patient. Additionally, Petitioner called in a prescription for Patient JH for thirty-six (36) tablets of Hydrocodone 10/325mg to the Red River Pharmacy, Texarkana, Texas, and picked up the Hydrocodone instead of instructing the

pharmacy to deliver it to Patient JH, per facility policy. Petitioner's conduct deceived the physician and was likely to injure the patient in that subsequent care givers and providers would not have accurate information to base their decisions for further care.

11. On or about May 22, 2018, while employed as a Registered Nurse (RN) with Dierksen Hospice, Texarkana, Texas, Petitioner presented a triplicate prescription for sixty (60) tablets of Hydrocodone 10/325mg to the Red River Pharmacy, Texarkana, Texas, for Patient Number DH08632 [JH], and picked up the Hydrocodone instead of instructing the pharmacy to deliver it to Patient JH, per facility policy. Patient JH reported to the facility Administrator that he never received this prescription. Petitioner's conduct was deceptive, was likely to defraud the patient of the cost of the medications, and was in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
12. On or about May 30, 2018, while employed as a Registered Nurse (RN) with Dierksen Hospice, Texarkana, Texas, Petitioner obtained a physician's order for Hydrocodone 5/325mg for Patient Number DH07267 [NA] who did not demonstrate a need for pain medication. Petitioner's conduct deceived the physician and was likely to injure the patient in that subsequent care givers and providers would not have accurate information to base their decisions for further care.
13. On or about May 30, 2018, while employed as a Registered Nurse (RN) with Dierksen Hospice, Texarkana, Texas, Petitioner presented a triplicate prescription for sixty (60) tablets of Hydrocodone 5/325mg to the Red River Pharmacy, Atlanta, Texas, for Patient DH07267 [NA], and picked up the Hydrocodone instead of instructing the pharmacy to deliver it to Patient NA at Focused Care at Linden, Linden, Texas, per facility policy. Focused Care staff reported to the facility Administrator that Patient NA never received this prescription. Petitioner's conduct was deceptive, was likely to defraud the patient of the cost of the medications, and was in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
14. On or about June 1, 2018, and June 6, 2018, while employed as a Registered Nurse (RN) with Dierksen Hospice, Texarkana, Texas, Petitioner called in two prescription refills for sixty (60) tablets each of Hydrocodone 10/325mg to the Red River Pharmacy, Texarkana, Texas, for Patient Number DH08632 [JH], and picked up the Hydrocodone instead of instructing the pharmacy to deliver it to Patient JH, per facility policy. Patient JH reported to the facility Administrator that he never received these prescriptions. Petitioner's conduct was deceptive, was likely to defraud the patient of the cost of the medications, and was in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
15. On or about June 18, 2018, while employed as a Registered Nurse (RN) with Dierksen Hospice, Texarkana, Texas, Petitioner engaged in the intemperate use of opiates and benzodiazepines in that she produced a specimen for a random urine drug screen which resulted positive for opiates and benzodiazepines. Possession of opiates and benzodiazepines is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health and Safety

Code. The use of opiates and benzodiazepines by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

16. On or about July 15, 2018, while employed with NurseStaffing, Texarkana, Texas, and assigned at Christus St. Michael Rehabilitation Hospital, Texarkana, Texas, Petitioner removed Hydrocodone 10/325mg from the medication dispensing system for Patient Number MC00410123, but failed to document the administration of the Hydrocodone in the patient's medication administration record (MAR) and/or nurse's notes. Petitioner's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient, which could result in an overdose. Additionally, Petitioner's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
17. On or about July 15, 2018, while employed with NurseStaffing, Texarkana, Texas, and assigned at Christus St. Michael Rehabilitation Hospital, Texarkana, Texas, Petitioner removed Hydrocodone 10/325mg from the medication dispensing system for Patient Number MC00410123, but failed to follow the facility's policy and procedure for wastage of the unused portions of the Hydrocodone. Petitioner's conduct left Hydrocodone unaccounted for, was likely to deceive the hospital pharmacy, and placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
18. On or about July 15, 2018, while employed with NurseStaffing, Texarkana, Texas, and assigned at Christus St. Michael Rehabilitation Hospital, Texarkana, Texas, Respondent misappropriated nineteen (19) Hydrocodone 10/325mg tablets from the facility and patients thereof. Petitioner's conduct was likely to defraud the facility and patients of the cost of the Hydrocodone.
19. On or about July 15, 2018, while employed with NurseStaffing, Texarkana, Texas, and assigned at Christus St. Michael Rehabilitation Hospital, Texarkana, Texas, Petitioner administered Hydrocodone to Patient Number MC00410123 without an indication or demonstrated need for pain medication. Petitioner's conduct unnecessarily exposed the patient to a risk of harm from complications associated with unnecessary doses of Hydrocodone.
20. On or about August 6, 2018, the Board provided notice to Petitioner that an investigation was being initiated into additional alleged violations of the Nursing Practice Act and/or the Board's Rules and Regulations Relating to Nurse Education, Licensure and Practice, as follows:
 - A. On or about July 25, 2018, while employed with Edgewood Manor, Texarkana, Texas, Petitioner created a new count sheet for Hydrocodone 5/325mg belonging to

Resident KD and falsely documented the remaining number of tablets. Additionally, Petitioner failed to attach the old count sheet to the new count sheet, per facility policy. The oncoming shift nurse subsequently discovered that thirty (30) Hydrocodone 5/325mg tablets belonging to Resident KD were missing.

- B. On or about July 25, 2018, while employed with Edgewood Manor, Texarkana, Texas, Petitioner misappropriated thirty (30) Hydrocodone 5/325mg tablets belonging to Resident KD.
 - C. On or about July 25, 2018, while employed with Edgewood Manor, Texarkana, Texas, Petitioner engaged in the intemperate use of opiates in that she produced a specimen for a drug screen which resulted positive for opiates.
- 21. Petitioner states July 31, 2018 as her date of sobriety.
 - 22. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
 - 23. Formal Charges were filed on July 31, 2018.
 - 24. Formal Charges were mailed to Petitioner on August 6, 2018.

CONCLUSIONS OF LAW

- 1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
- 2. On or about June 30, 2017, PETITIONER submitted an Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.2(b).
- 3. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(9),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(B),(D)&(P) and 217.12(1)(A),(1)(B),(4),(5),(6)(A),(6)(G),(6)(H),(8),(10)(A),(10)(B),(10)(C),(10)(D),(10)(E)&(11)(B).
- 4. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the

Board's Rules and Regulations, and generally accepted standards of nursing practice.

5. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

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 697816, previously issued to MELISSA MICHELLE ADAMS, to practice nursing in Texas is hereby **SUSPENDED** and said suspension is **ENFORCED** until Petitioner:

- A. Completes an appropriate treatment program approved by the Board;
- B. Provides documentation of successful completion; and
- C. Obtains twelve (12) consecutive months of sobriety, which may be demonstrated by monthly urine drug screens consistent with the "DRUG AND ALCOHOL RELATED REQUIREMENTS" of this Order.

Any relapse prior to the completion of the required twelve (12) consecutive months of sobriety will result in revocation or, at a minimum, an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension of Registered Nurse License Number 697816 will be **STAYED**, the Petition is hereby **GRANTED**, and upon meeting all other applicable requirements for licensure as an Advanced Practice Registered Nurse with Prescriptive Authority, will be placed on **PROBATION** for a minimum of five (5) years **AND** until Petitioner fulfills the requirements of this Order.

- D. PETITIONER SHALL pay all re-registration fees, if applicable, and PETITIONER'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- E. This Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.
- F. This Order SHALL be applicable to Petitioner's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- G. As a result of this Order, Petitioner's license(s) will be designated "single state" and Petitioner may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, PETITIONER 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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, PETITIONER 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, PETITIONER 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, PETITIONER SHALL successfully complete the following remedial education courses within one (1) year of the suspension being stayed, 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 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.
- C. **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), PETITIONER 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. PETITIONER 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.*

V. MONETARY FINE

PETITIONER SHALL **pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of suspension being stayed.** Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VI. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER 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 twenty (20) quarterly periods [five (5) years] of employment.

This requirement will not be satisfied until twenty (20) 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 advanced practice registered nurse (APRN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. Notifying Present and Future Employers:** PETITIONER 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, PETITIONER 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:** PETITIONER 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. PETITIONER 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:** PETITIONER SHALL be directly supervised by an Advanced Practice Registered Nurse or Physician, if licensed as an Advanced Practice Registered Nurse, or by a Registered Nurse, if licensed as a Registered Nurse. Direct supervision requires another Advanced Practice Registered Nurse or Physician, or Registered Nurse, as applicable, to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. If being supervised by an Advanced Practice Registered Nurse, the supervising APRN must be in the same advanced role and population focus area as Petitioner. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work

overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned.

- E. No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.
- F. No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- G. Indirect Supervision:** PETITIONER SHALL be supervised by an Advanced Practice Registered Nurse or Physician, if licensed as an Advanced Practice Registered Nurse, or by a Registered Nurse, if licensed as a Registered Nurse, who is on the premises. The supervising Advanced Practice Registered Nurse or Physician, or Registered Nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising Advanced Practice Registered Nurse or Physician, or Registered Nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. If being supervised by an Advanced Practice Registered Nurse, the supervising APRN must be in the same advanced role and population focus area as Petitioner. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- H. Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each supervising Advanced Practice Registered Nurse or Physician, or Registered Nurse, to submit, on forms provided to the Petitioner by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the Advanced Practice Registered Nurse or Physician, or Registered Nurse, who supervises the PETITIONER and these reports shall be submitted by the supervising Advanced Practice Registered Nurse or Physician, or Registered Nurse, to the office of the Board at the end of each three (3) month quarterly period for twenty (20) quarters [five (5) years] of employment as a nurse.

VII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, PETITIONER SHALL abstain from the use of alcohol, nalbuphine, propofol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.
- B. While working as a nurse under the terms of this Order, PETITIONER SHALL submit to random periodic screens for alcohol, nalbuphine, propofol and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when PETITIONER obtains employment and submits the Notification of Employment form to the Board.
- For the first three (3) month [1st quarter] period PETITIONER works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
 - For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
 - For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
 - For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Any test result for a period of time in which the PETITIONER is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for any or all of the following substances and/or their metabolites:

Amphetamine	Methamphetamine	MDMA
MDA	Alprazolam	Diazepam
Alpha-o-alprazolam	Alpha-Hydroxytriazolam	Clonazepam
Desmethyldiazepam	Lorazepam	Midazolam
Oxazepam	Temazepam	Amobarbital
Butobarbital	Butalbital	Pentobarbital
Phenobarbital	Secobarbital	Codeine
Hydrocodone	Hydromorphone	Methadone
Morphine	Opiates	Oxycodone
Oxymorphone	Propoxyphene	Cannabinoids
Cocaine	Phencyclidine	Ethanol
Heroin	Fentanyl	Tramadol
Meperidine	Carisoprodol	Butorphanol
Nalbuphine	Ketamine	Propofol

Upon enrollment in the Board's drug and alcohol testing program, **PETITIONER SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not PETITIONER has been selected to produce a specimen for screening that day** and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **a Board representative may appear** at the PETITIONER'S place of employment at any time during the probation period and require PETITIONER to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which PETITIONER does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject PETITIONER to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

- C. **While under the terms of this Order, PETITIONER SHALL attend at least two (2) support group meetings each week**, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the

signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

VIII. THERAPY

While working as a nurse under the terms of this Order, PETITIONER SHALL participate in therapy with a professional counselor with credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the PETITIONER'S stability is sufficient to provide direct patient care safely. For the first three (3) month quarterly period PETITIONER works as a nurse under the terms of this Order, reports are to be submitted to the Board each and every month. If therapy is recommended by the counselor for an additional period of time, the reports shall then be submitted to the Board at the end of each three (3) month quarterly period in which the PETITIONER is working as a nurse under the terms of this Order, for the remainder of the term of the Order, or until PETITIONER is dismissed from therapy, whichever is earlier.

IX. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Petitioner'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.

X. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license(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, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. In connection with my application and/or petition, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28 and 213.29. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

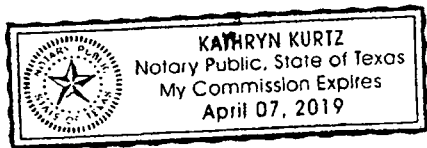
I understand that I can be represented by an attorney in this matter. I waive representation by counsel, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 20 day of August, 2018.

Melissa Michelle Adams
MELISSA MICHELLE ADAMS, PETITIONER

Sworn to and subscribed before me this 20 day of August, 2018.

SEAL



Kathryn Kurtz

Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of August, 2018, by MELISSA MICHELLE ADAMS, Registered Nurse License Number 697816, and PETITIONER for eligibility for Advanced Practice Licensure with Prescriptive Authorization, and said Order is final.

Effective this 11th day of September, 2018.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License Number 697816 § AGREED
issued to MELISSA MICHELLE MCGAUGH § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MELISSA MICHELLE MCGAUGH, Registered Nurse License Number 697816, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 22, 2007, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Texarkana Community College, Texarkana, Texas, on May 16, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 8, 2003.
5. Respondent's professional nursing employment history includes:

7/03-10/05	Staff Nurse	Christus St. Michael Health System Texarkana, Texas
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I do hereby certify that this is 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

Respondent's professional nursing employment history continued:

10/05-Unknown	Staff Nurse	Serenity Hospice Texarkana, Texas
3/06-7/06	Staff Nurse	Heritage Home Health Texarkana, Texas
8/06-10/06	Staff Nurse	Reunion Plaza Nursing Center Texarkana, Texas
11/06-3/07	Unknown	
4/07-6/07	Staff Nurse	Medical Lodge Texarkana, Arkansas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Reunion Plaza Nursing Center, Texarkana, Texas, and had been in this position for approximately two (2) months.
7. On or about October 2006, while employed with Reunion Plaza Nursing Center, Texarkana, Texas, Respondent misappropriated Hydrocodone belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medication.
8. On or about October 2006, while employed with Reunion Plaza Nursing Center, Texarkana, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty, including, but not limited to: mood swings, excessive crying, being edgy, and falling asleep while counting medications, while smoking a cigarette, and while having a conversation with a resident's family members. 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 October 9, 2006, while employed with Reunion Plaza Nursing Center, Texarkana, Texas, Respondent engaged in the intemperate use of Ativan in that Respondent admitted to taking the medication without a valid prescription. Possession of Ativan is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Ativan by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

10. In response to Finding of Fact Number Seven (7), Respondent states that she was in an automobile accident several years ago and her injuries from the accident recently caused her to start using Hydrocodone. Respondent states that she now realizes that she has a problem with drug abuse and/or dependency and checked herself into Living Hope Treatment Center in Texarkana, Texas. On June 11, 2007, Respondent was to be transferred to River Ridge Treatment Center in Texarkana, Texas, where she will spend 28 days.
11. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to imtemperate use of controlled substances or chemical dependency.
13. Respondent's conduct described in the preceding Findings of Fact was significantly influenced by Respondent's impairment by dependency on chemicals.
14. 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 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(T) and 217.12(5),(6)(G),(10)(A)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 697816, heretofore issued to MELISSA MICHELLE MCGAUGH, 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 (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, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to 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 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is

encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

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 and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

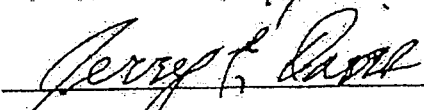
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. 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.

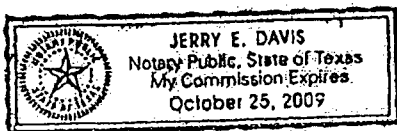
Signed this 24 day of July, 2007.


MELISSA MICHELLE MCGAUGH, Respondent

Sworn to and subscribed before me this 24th day of July, 2007.

SEAL


Notary Public in and for the State of Texas



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 24th day of July, 2007, by MELISSA MICHELLE MCGAUGH, Registered Nurse License Number 697816, and said Order is final.

Entered and effective this 14th day of August, 2007.



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