



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	§	ELIGIBILITY AGREED ORDER
MELISSA MAREE SMITH,	§	FOR
Vocational Nurse License Number 195816,	§	REACTIVATION OF LICENSE
APPLICANT for Reactivation of License	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Application for LVN Delinquent Renewals (within 4 years), hereinafter referred to as the Application, and supporting documents filed by MELISSA MAREE SMITH, hereinafter referred to as Applicant, requesting a determination of eligibility for licensure reactivation in compliance with Sections 301.252, 301.257 and 301.260, Texas Occupations Code, together with any documents and information gathered by staff and Applicant's Certification contained herein.

Information received by the Board produced evidence that Applicant may be ineligible for licensure reactivation pursuant to Sections 301.452(b)(8),(10)&(13)[*effect. through 8/31/2021*] and 301.453, Texas Occupations Code.

Applicant waived notice and hearing and agreed to the entry of this Eligibility Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 8, 2022.

FINDINGS OF FACT

1. On or about June, 6, 2022, Applicant submitted the Application requesting a determination of eligibility for licensure reactivation.
2. Applicant waived notice and hearing, and agreed to the entry of this Eligibility Agreed Order.
3. Applicant received a Certificate in Vocational Nursing from Petit Jean College, Ozark, Arkansas, on March 29, 2004. Applicant was licensed to practice vocational nursing in the

State of Texas on October 19, 2004. Applicant received an Associate Degree in Nursing from Lamar State College, Orange, Texas, on December 13, 2020.

4. Applicant's license to practice as a vocational nurse in the State of Texas is in inactive status.
5. On or about October 4, 2004, Applicant was issued an Agreed Order through an Order of the Board. A copy of the October 4, 2004, Order is attached and incorporated herein by reference as part of this Eligibility Agreed Order for Reactivation of License.
6. On or about June 14, 2011, Applicant was issued the sanction of Reprimand with Stipulations through an Order of the Board. A copy of the June 14, 2011, Order is attached and incorporated herein by reference as part of this Eligibility Agreed Order for Reactivation of License.
7. On November 22, 2013, Applicant was issued a Formal Disciplinary Document by the Arkansas Board of Nursing. A copy of the November 22, 2013, Formal Disciplinary Document is attached and incorporated by reference as part of this Order.
8. On October 12, 2017, Applicant was issued an Order of Reinstatement by the Arkansas Board of Nursing. A copy of the October 12, 2017, Order of Reinstatement is attached and incorporated by reference as part of this Order.
9. On or about December 14, 2021, Applicant was issued the sanction of Reprimand with Stipulations and the license(s) placed in inactive status through an Order of the Board. A copy of the December 14, 2021, Order is attached and incorporated herein by reference as part of this Eligibility Agreed Order for Reactivation of License.
10. This Eligibility Agreed Order for Reactivation of License reflects the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been required by the December 14, 2021, Order had Applicant not chosen to inactivate the license(s).
11. On May 2, 2022, Applicant was license to practice professional nursing in the State of Louisiana was automatically suspended by the Louisiana Board of Nursing. A copy of the May 2, 2022, automatic suspension is attached and incorporated by reference as part of this Order
12. After considering the action taken by the Arkansas Board of Nursing and Louisiana Board of Nursing, along with Applicant's subsequent conduct, the Executive Director is satisfied that Applicant should be able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

13. The Executive Director considered evidence of Applicant's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Applicant currently demonstrates the criteria required for licensure.
14. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
15. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
16. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

#### 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 6, 2022, Applicant submitted the Application requesting a determination of eligibility for licensure reactivation.
3. Applicant's history reflects conduct which may constitute grounds for denial of license reactivation under Section 301.452(b)(8),(10)&(13)[*effect. through 8/31/2021*], Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if 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.
6. This Order is conditioned upon the accuracy and completeness of Applicant's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Applicant's license(s).
7. 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. REACTIVATION OF LICENSURE AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that APPLICANT SHALL be issued the sanction of **REPRIMAND WITH STIPULATIONS** and the Application of MELISSA MAREE SMITH for Reactivation of License to practice nursing in the State of Texas be **GRANTED**, according to the terms of this Order:

- A. Until successfully completed, this Order SHALL apply to any and all future licenses issued to APPLICANT to practice nursing in the State of Texas.
- B. Until successfully completed, this Order SHALL be applicable to APPLICANT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, APPLICANT'S license(s) will be designated "single state" as applicable and APPLICANT 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, APPLICANT 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 Eligibility Agreed Order for Reactivation of License.

### **III. SUPERSEDING ORDER**

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

#### IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, APPLICANT 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. **The course "Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

In order to receive credit for completion of this/these course(s), APPLICANT 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. APPLICANT 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, APPLICANT 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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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:** APPLICANT 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, APPLICANT 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:** APPLICANT 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. APPLICANT 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. **Indirect Supervision:** APPLICANT 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 APPLICANT, 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 APPLICANT is currently working. APPLICANT SHALL work only regularly assigned, identified and predetermined unit(s). APPLICANT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. APPLICANT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Nursing Performance Evaluations:** APPLICANT SHALL CAUSE each employer to submit, on forms provided to the APPLICANT by the Board, periodic reports as to APPLICANT'S capability to practice nursing. These reports shall be completed by the individual who supervises the APPLICANT 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 four (4) quarters [one (1) year] of employment as a nurse.

## VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Eligibility Agreed Order for Reactivation of License, all encumbrances will be removed from APPLICANT'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, APPLICANT may be eligible for nurse licensure compact privileges, if any.

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### APPLICANT'S CERTIFICATION

I understand this Order is conditioned upon the accuracy and completeness of my application and disclosures. I further understand that subsequently discovered discrepancies in my application and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

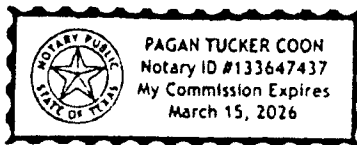
I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22nd day of September, 2022

Melissa Maree Smith  
MELISSA MAREE-SMITH, APPLICANT

Sworn to and subscribed before me this 22 day of September, 2022.

SEAL



Pagan Tucker Coon  
Notary Public in and for the State of Texas

Approved as to form and substance.

John Rivas  
John Rivas, Attorney for Applicant

Signed this 22 day of September, 2022.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Eligibility Agreed Order For Reactivation Of License that was signed on the 22nd day of September, 2022, by MELISSA MAREE SMITH, Vocational Nurse License Number 195816, and said Eligibility Agreed Order For Reactivation Of License is final.

Effective this 8th day of November, 2022.

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

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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of	§	ELIGIBILITY
MELISSA MAREE WARD	§	
APPLICANT for Eligibility for Licensure	§	AGREED ORDER

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Application for Licensure by Endorsement and supporting documents filed by MELISSA MAREE WARD, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(b)(3), Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on July 25, 2004, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about May 17, 2004, Applicant submitted an Application for Licensure by Endorsement as a vocational nurse in the State of Texas in compliance with Section 301.260 *et seq.*, of the Texas Occupations Code.
2. Applicant waived representation by counsel, informal conference, notice and hearing, and consented to the entry of this Order.
3. Applicant received a Diploma in Vocational Nursing from Arkansas Technical University - Ozark, Ozark Arizona, in March 2004.
4. Applicant disclosed the following criminal history, to wit:
  - A. In July 1999, Applicant was charged with the misdemeanor offense of Overdraft in the Van Buren District Court of Arkansas. Applicant was convicted and assessed a fine.

- B. In July 2000, Applicant was charged with the misdemeanor offense of Overdraft in the Sebastian County District Court of Arkansas. Applicant was convicted and assessed a fine.
  - C. In July 2002, Applicant was charged with the misdemeanor offense of Overdraft in the Van Buren District Court of Arkansas. Applicant was convicted and assessed a fine.
- 5. There is no evidence of any subsequent criminal conduct.
  - 6. Applicant has sworn that her past behavior conforms to the Board's professional character requirements. Petitioner presented no evidence of behavior which is inconsistent with good professional character.
  - 7. On July 25, 2004, the Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
  - 8. Licensure of Applicant poses no direct threat to the health and safety of patients or the public.
  - 9. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
  - 10. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

#### CONCLUSIONS OF LAW

- 1. The Board of Nurse Examiners (Board) has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.
- 2. Applicant has submitted an application in compliance with Section 301.260, Texas Occupations Code.
- 3. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.

4. This Order is conditioned upon the accuracy and completeness of Applicant's disclosures. Any subsequently discovered discrepancies will result in investigation and disciplinary action.
5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 Texas Administrative Code §213.28 and evaluating the direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
6. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.

#### ORDER

IT IS THEREFORE AGREED that the application of MELISSA MAREE WARD, APPLICANT, is hereby conditionally GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation.

(3) APPLICANT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(4) IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to APPLICANT's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

(5) IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT 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 APPLICANT wishes to work.

(6) APPLICANT SHALL, within one (1) year of licensure in the State of Texas, successfully complete a course in Texas nursing jurisprudence. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. APPLICANT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify APPLICANT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).*

(7) APPLICANT SHALL, within one (1) year of initial licensure in the State of Texas, successfully complete a course in nursing ethics. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. APPLICANT

SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify APPLICANT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, APPLICANT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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### APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past criminal conduct, and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my Application for Licensure by Endorsement, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

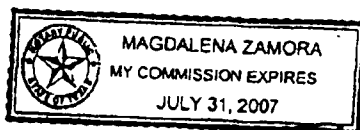
In connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452(a), (b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code. 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 understand that I am not eligible to receive a Temporary Permit to practice. 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 permit or license from the Board of Nurse Examiners.

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 vocational 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, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 9<sup>th</sup> day of September 2004.

Melissa Maree Ward  
MELISSA MAREE WARD, APPLICANT



Magdalena Zamora

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Eligibility Agreed Order that was signed on the 9<sup>th</sup> day of September, 2004, by MELISSA MAREE WARD, APPLICANT, for Application for Licensure by Endorsement, and said Order is final.

Effective this 4<sup>th</sup> day of October, 2004.



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



BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse  
License Number 195816  
issued to MELISSA MAREE CUTLIP

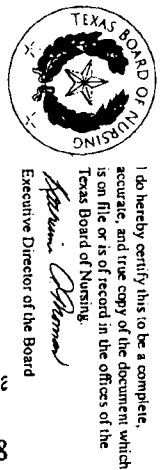
§ AGREED  
§  
§ ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MELISSA MAREE CUTLIP, Vocational Nurse License Number 1958 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8),(10)&(13) Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 4, 2011, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent holds a license to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Arkansas Technical University-Ozark, Ozark, Arkansas, on March 29, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on October 19, 2004.



5. Respondent's vocational nursing employment history includes:

5/2002 - 2/2003	CNA	Alma Healthcare/Rehabilitation Alma, Arkansas
3/2003 - 3/2004	CNA	Preferred Medical Staffing Fayetteville, Arkansas
5/2004 - 8/2005	LVN	Silver Creek Manor San Antonio, Texas
8/2005 - 12/2005	LVN	Medical Staffing Network San Antonio, Texas
12/2005 - Unknown	LVN	Nursefinders San Antonio, Texas
11/2006 - 7/2008	LVN	VistaCare Hospice San Antonio, Texas
7/2008 - Present	Unknown	

6. On or about October 4, 2004, Respondent was issued an Eligibility Agreed Order by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Order dated October 4, 2004, is attached and incorporated, by reference, as part of this Order.
7. On or about December 2, 2010, Respondent was issued a Letter of Reprimand by the Arkansas State Board of Nursing. A copy of the Letter of Reprimand dated December 2, 2010 is attached and incorporated, by reference, as part of this Order.
8. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with VistaCare Hospice, San Antonio, Texas, and had been in this position for one (1) year and eight (8) months.
9. On or about July 15, 2008, while employed with VistaCare Hospice, San Antonio, Texas, and on assignment with Huebner Creek LTCF, San Antonio, Texas, Respondent lacked fitness to practice vocational nursing in that she was found sleeping at the bedside of Patient Medical Record Number 119090. Furthermore, Respondent required LTCF staff to shake her awake to inform her that the patient expired. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patient's conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

10. On or about December 2, 2010, Respondent was issued a Letter of Reprimand by the Arkansas State Board of Nursing. A copy of the Letter of Reprimand dated December 2, 2010 is attached and incorporated, by reference, as part of this Order.
11. In response to the incident in Finding of Fact Number Nine (9) Respondent states that she does not deny that she fell asleep while taking care of an assigned patient on July 15, 2008. She was exhausted and still feels horrible about the lapse in her own standards as a nurse and the emotional trauma that she caused the patient's family. Respondent adds that she no longer holds a Texas LVN license. She allowed the license to expire in September of 2009 after moving back to Arkansas. In response to the incident in Finding of Fact Number Ten (10) Respondent states that one of the questions on the Arkansas State Nursing License application asked, "Have you received any discipline against your nursing license since your last renewal?" Respondent answered "No" because her Arkansas license expired and she had not received disciplinary action in Texas since her last renewal in September of 2009. Respondent was informed that she falsified her Arkansas application because the Texas BON required that she take an Ethics and Jurisprudence class after disclosing charges for bad checks on the application. Respondent states that she did not know the class was considered "disciplinary action" as it was just a requirement to get her Compact License, and she had done nothing wrong while holding any nursing license. Respondent further states that she answered this question truthfully and in good faith. Respondent believes that the Arkansas Board of Nursing was incorrect in issuing the Letter of Reprimand. Respondent is currently appealing the decision and has asked for a hearing before the Arkansas BON. She is currently waiting for an appearance date.

#### 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 of Section 301.452(b)(8),(10)& (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(T) and 217.12(1)(A),(B),(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 195816, heretofore issued to MELISSA MAREE CUTLIP, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice 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 nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address:* <http://learningext.com/hives/a0f6f3e8a0/summary>.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY FOUR (24) MONTHS HAVE ELAPSED. PERIODS**

**OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF  
A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION  
PERIOD:**

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) RESPONDENT SHALL be supervised by a Registered Nurse or 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 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.

(6) 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 Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) years of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

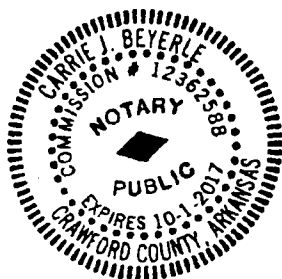
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 Board. When this Order is ratified, the terms of this Order become effective, 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19<sup>th</sup> day of April, 20 11.

Melissa Maree Cutlip  
MELISSA MAREE CUTLIP, Respondent

Sworn to and subscribed before me this 19<sup>th</sup> day of April, 20 11.

SEAL



Carrie J. Beyerle  
Notary Public in and for the State of Arkansas

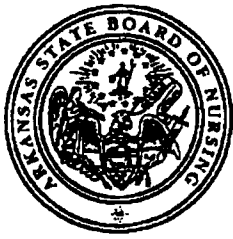


WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of April, 2011, by MELISSA MAREE CUTLIP, Vocational Nurse License Number 195816, and said Order is final.

Effective this 14th day of June, 2011.

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

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



## ARKANSAS STATE BOARD OF NURSING

1123 S. University Avenue, Suite 800, University Tower Building, Little Rock, AR 72204  
Phone: (501) 686-2700 Fax: (501) 686-2714 www.arsbn.org

### FORMAL DISCIPLINARY DOCUMENT

**RE: MELISSA MAREE WARD CUTLIP SMITH**

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the Arkansas State Board of Nursing Discipline Department. These records are considered Certified by the Arkansas State Board of Nursing.

Certain information may have been withheld pursuant to Arkansas state laws. While those laws require that most records be disclosed on request, they may also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

Sue A. Tedford, MNSc, RN

Sue A. Tedford, MNSc, RN  
ASBN Executive Director



**BEFORE THE ARKANSAS STATE BOARD OF NURSING**

**IN THE MATTER OF:**

**MELISSA MAREE WARD CUTLIP SMITH    LPN LICENSE NO. L042654 (EXPIRED)**

**FINDINGS OF FACT  
CONCLUSIONS OF LAW AND ORDER**

A hearing on the captioned matter was held before the Arkansas State Board of Nursing (hereinafter referred to as “the Board”), on November 14, 2013, in the Board Room of the Arkansas State Board of Nursing, 1123 South University, Suite 800, Little Rock, Arkansas. The Board was represented by its General Counsel, William F. Knight. Melissa Maree Ward Cutlip Smith, Licensed Practical Nurse (hereinafter referred to as “Respondent”), appeared before the Board and was not represented by counsel. The Order and Notice of Hearing was mailed to Respondent on October 24, 2013. On the basis of testimony and other evidence presented, the Board made the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

1.        On December 2, 2010, Respondent was found guilty of violating Ark. Code Ann. §17-87-309(a)(1) and the Board’s Rules, Chapter Two, Section III, (B)(6). Respondent was issued a Letter of Reprimand on December 2, 2010, and ordered to complete the Board-approved course, *The Nurse and Professional Behaviors*, within six (6) months and submit a two-page summary of the course.

2.        In addition, Respondent has picked up new charges related to her nursing practice in Texas. On June 14, 2011, the Texas Board of Nursing issued an Order of the Board to Respondent. Respondent was issued a Reprimand with Stipulations after she was discovered sleeping on the job while employed at Vista Care Hospice and on assignment with Huebner

**IN THE MATTER OF:**

**MELISSA MAREE WARD CUTLIP SMITH    LPN LICENSE NO. L042654 (EXPIRED)**

Creek Long Term Care Facility, San Antonio, Texas, on or about July 15, 2008. This is a violation of Ark. Code. Ann. §17-87-309(a)(6), (a)(7) and (a)(9).

3. As of October 22, 2013, Respondent has failed to comply with the terms and conditions of the Board's December 2, 2010, Letter of Reprimand.

**CONCLUSIONS OF LAW**

1. Pursuant to Ark. Code Ann. §17-87-309, the Board has subject matter and personal jurisdiction in this matter.

2. The Respondent has failed to comply with the terms and conditions of the Board's Letter of Reprimand of December 2, 2010.

3. The Respondent is guilty of violating the terms and conditions of the Letter of Reprimand.

**ORDER**

**IT IS THEREFORE ORDERED** that the license and privilege to practice issued to the Respondent is **SUSPENDED** until the terms of the Letter of Reprimand are met, and the disciplinary action in Texas is cleared.

Respondent may request judicial review of the decision rendered by the Board by filing a petition in the circuit court of any county in which Respondent resides or does business or in the Circuit Court of Pulaski County within thirty (30) days after service upon Respondent of the Board's final decision.

DATED this 22<sup>nd</sup> day of November, 2013.

**IN THE MATTER OF:**

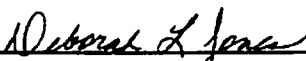
**MELISSA MAREE WARD CUTLIP SMITH    LPN LICENSE NO. L042654 (EXPIRED)**

**ARKANSAS STATE BOARD OF NURSING**



**BY:**

  
\_\_\_\_\_  
**WILLIAM F. KNIGHT, AR Bar No. 85086**  
**ASBN General Counsel**

  
\_\_\_\_\_  
**DEBORAH L. JONES, RN, MNSc**  
**ASBN Assistant Director**  
**University Tower Building, Suite 800**  
**1123 South University Avenue**  
**Little Rock, Arkansas 72204**  
**(501) 686-2700**

**IN THE MATTER OF:**

**MELISSA MAREE WARD CUTLIP SMITH    LPN LICENSE NO. L042654 (EXPIRED)**

**CERTIFICATE OF SERVICE**

I, Deborah L. Jones, ASBN Assistant Director, do hereby certify that I have served a copy of the foregoing document by mailing a copy of same by certified, return receipt requested, U.S. Mail, postage prepaid, this 22<sup>nd</sup> day of November, 2013, to the following:

**MELISSA MAREE SMITH  
101 WINDWARD PASSAGE ST  
SLIDELL, LA 70458**

  
\_\_\_\_\_  
**DEBORAH L. JONES, RN, MNSc**



## ARKANSAS STATE BOARD OF NURSING

1123 S. University Avenue, Suite 800, University Tower Building, Little Rock, AR 72204  
Phone: (501) 686-2700 Fax: (501) 686-2714 www.arsbn.org

Sue A. Tedford, MNsc, RN  
*Executive Director*

Fred Knight  
*General Counsel*

**Board Members:**

Brenda Murphree, RN  
*President*  
El Dorado

Gladwin Connell, D Min.  
*Vice President*  
Little Rock

Karen Holcomb, RN  
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Cabot

Clevesta Flannigan, LPN  
Camden

Cassandra Harvey, RN  
Brinkley

Roger Huff, LPN  
Springdale

Sandra Priebe, MSN, RN  
Mountain Home

Doris Scroggin, RN  
Vilonia

Cathleen Shultz, PhD, RN  
Searcy

Richard Spivey, LPN  
Greenbrier

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7009 2250 0004 1559 5167**

December 2, 2010

Melissa Maree Ward Cutlip  
1890 Fieldstone TR  
Alma, AR 72921

**RE: LETTER OF REPRIMAND  
LPN LICENSE # L42654**

Dear Ms. Cutlip:

The Arkansas State Board of Nursing has determined that you falsified your renewal application on September 30, 2010. In addition to the false application it was determined that you violated the provisions of the interstate compact rules. This Letter of Reprimand is being issued for violations of the Nurse Practice Act and Rules.

The Nurse Practice Act of the State of Arkansas, July 28, 1995, ACA §17-87-309 (Amended 1999) states:

- (a) The board shall have sole authority to deny, suspend, revoke or limit any license to practice nursing or certificate of prescriptive authority issued by the board or applied for in accordance with the provisions of this chapter or to otherwise discipline a licensee upon proof that the person:
  - (1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing or engaged in the practice of nursing without a valid license

Furthermore, the Arkansas State Board of Nursing Rules, Chapter Two, Section III, (B) (6), Issuance of a License by a Compact Party State:

A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed thirty (30) days.

- On September 30, 2010 the Respondent submitted a renewal application to the ASBN. Respondent answered "No" to the question "Since your last renewal has any disciplinary action been taken against you, or has your authority to practice been restricted by any federal or state agency, including but not limited to Medicare or Medicaid"
- On September 9, 2004 the respondent was placed under a board order with the TX BON while seeking endorsement into the state of TX.
- Respondent listed as her employer from July 2010 through September 24, 2010 Preferred Medical Staffing, Fayetteville, AR on her work history submitted to the board with her current application.
- In a written statement to the ASBN she stated "I am an agency staffing nurse and I only work PRN. I usually work 2-12 hr shifts when I do work, but I do not work every week. The 3<sup>rd</sup> week in July is an estimate as I don't know the exact day. The last shift I worked was 7P-7A on Friday September, 24<sup>th</sup>, 2010"
- Respondents' privilege to practice nursing in Arkansas based upon her multi-state Practical Nurse license in Texas became inactive after working a thirty (30) day period with an Arkansas primary state of residence.

**The Arkansas State Board of Nursing therefore orders that the license of Melissa Maree Ward Cutlip is reprimanded and the following conditions are to be met:**

Respondent is to provide evidence of completion of the Board approved course the Nurse and Professional Behaviors. The course is to be completed within 6 months of receipt of this Letter of Reprimand. Upon completion of the course Respondent is to submit a two -page summary as specified in the direction for Board Ordered courses.

This letter of reprimand is:

- public information
- made a part of your record
- scheduled to be reported in the ASBN newsletter following the disciplinary hearings
- reported to the National Council of State Boards of Nursing Disciplinary Data Bank and
- reported to the federal Healthcare Integrity and Protection Data Bank.



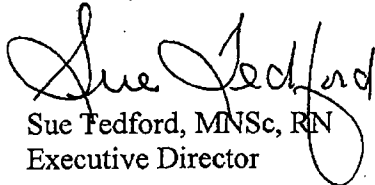
Letter of Reprimand  
Melissa Maree Ward Cutlip  
Page 2  
December 2, 2010

You should understand that evidence of a prior violation of the Nurse Practice Act may be used for purposes of determining sanctions in any future disciplinary matters.

You may request a hearing before the full Board in lieu of this Letter of Reprimand. You have thirty (30) days upon receipt of this letter to request a formal hearing before the Arkansas State Board of Nursing.

You are responsible and accountable for your own practice. Please review the enclosed Grounds for Discipline.

Sincerely,



Sue Fedford, MNSc, RN  
Executive Director

ST/pd  
Enclosure



## ARKANSAS STATE BOARD OF NURSING

1123 S. University Avenue, Suite 800, University Tower Building, Little Rock, AR 72204  
Phone: (501) 686-2700 Fax: (501) 686-2714 www.arsbn.org

### FORMAL DISCIPLINARY DOCUMENT

RE: MELISSA MAREE WARD CUTLIP SMITH

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the Arkansas State Board of Nursing Discipline Department. These records are considered Certified by the Arkansas State Board of Nursing.

Certain information may have been withheld pursuant to Arkansas state laws. While those laws require that most records be disclosed on request, they may also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

Sue A. Tedford MNSc, APRN

SUE TEDFORD, MNSc, APRN  
ASBN Executive Director



**BEFORE THE ARKANSAS STATE BOARD OF NURSING**

**IN THE MATTER OF:**

**MELISSA MAREE WARD CUTLIP SMITH**


**LPN LICENSE NO. L042654 (EXPIRED)**

**ORDER OF REINSTATEMENT**

Submitted evidence on the above-captioned matter was reviewed by the members of the Arkansas the State Board of Nursing on October 12, 2017, in Suite 800, University Tower Building, 1123 South University Avenue, Little Rock, Arkansas 72204.

Melissa Maree Ward Cutlip Smith, LPN License No. L042654, demonstrated evidence to show good cause for reinstatement. On the basis of the evidence presented, the Board reinstated Respondent as a Licensed Practical Nurse in good standing.

**ARKANSAS STATE BOARD OF NURSING**



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**DEBORAH L. JONES, RN, MNsc**  
**ASBN ASSISTANT DIRECTOR**

October 12, 2017

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of	§	AGREED ORDER
Vocational Nurse License Number 195816	§	
issued to MELISSA MAREE SMITH	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MELISSA MAREE SMITH, Vocational Nurse License Number 195816, 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 July 20, 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.
4. Respondent received a Certificate in Vocational Nursing from Arkansas Technical University, Ozark, AR. Respondent was licensed to practice vocational nursing in the State of Texas on October 19, 2004.
5. Respondent's nursing employment history includes:

10/2004 – 08/2005	LVN	Silver Creek Manor San Antonio, Texas
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Respondent's nursing employment history continued:

08/2005 - 12/2005	LVN	Medical Staffing Network San Antonio, Texas
12/2005 - 10/2006	LVN	Nursefinders San Antonio, Texas
11/2006 - 07/2008	LVN	Vista Care Hospice San Antonio, Texas
08/2008 - 10/2008	Unknown	
11/2008 - 01/2009	LVN	Maxim Staffing San Antonio, Texas
02/2009 - 06/2010	Unknown	
07/2010 - 03/2011	LVN	Preferred Medical Staffing Fayetteville, Arizona
04/2011 - 08/2011	LVN	Legacy Health and Rehabilitation Fort Smith, Arizona
09/2011 - 12/2014	Unknown	
01/2015 - 06/2017	LVN	Oakwood Manor Nursing Home Vidor, Texas
07/2017 - 12/2017	Unknown	
01/2018 - 02/2021	LVN	Epic Health Care Services Beaumont, Texas
03/2021 - Present	Unknown	

6. On or about October 4, 2004, Respondent was issued an Agreed Order through an Order of the Board. On or about March 14, 2006, Respondent successfully completed the terms of the Order. A copy of the October 4, 2004, Order is attached and incorporated herein by reference as part of this Agreed Order.

7. On or about June 14, 2011, Respondent was issued the sanction of Reprimand with Stipulations through an Order of the Board. On or about January 26, 2017, Respondent successfully completed the terms of the Order. A copy of the June 14, 2011, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Epic Health Care Services, Beaumont, Texas, and had been in that position for three (3) years.
9. On or about January 30, 2021, while employed as a Licensed Vocational Nurse with Epic Health Care Services, Beaumont, Texas, and while assigned to provide skilled nursing care to minor Patient LJ, Respondent abandoned her nursing assignment by leaving the patient's home before the end of her scheduled shift, and failed to give a hand-off report to another nurse or the patient's caregiver. Additionally, Respondent left the patient unattended inside the home, without a caregiver present and there were no reported injuries as a result of the incident. Lastly, Respondent left her nursing assignment without notifying a supervisor. Respondent's conduct unnecessarily exposed her patient to a risk of harm from undetected changes in condition.
10. In response to Finding of Fact Number Nine (9), Respondent states that she left the home at the time her shift was scheduled to end. Respondent saw the patient's mother in the house earlier in the day and believed she was still home. Respondent also states she sent Patient L.J.'s mother a hand-off report and believed that her employer had arranged for Patient L.J.'s mother to assume care at the end of Respondent's shift.
11. By agreeing to entry of this Agreed Order, Respondent neither admits nor denies any of the factual findings contained herein. The Board and Respondent stipulate that Respondent is agreeing to entry of this Agreed Order to avoid the expense and uncertainty of future proceedings.

#### 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)(I) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(4)&(12).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 195816, heretofore issued to MELISSA MAREE SMITH.

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** and RESPONDENT'S license(s), and any privilege(s) to practice, as applicable, 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 16<sup>th</sup> day of November, 20 21.

Melissa Maree Smith  
MELISSA MAREE SMITH, 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.

J. W. R. R.

John Rivas, Attorney for Respondent

Taylor Rozewsky  
Signed this 22<sup>nd</sup> day of November, 20 21.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of November, 2021, by MELISSA MAREE SMITH, Vocational Nurse License Number 195816, and said Agreed Order is final.

Effective this 14th day of December, 2021.

A handwritten signature in cursive script, reading "Katherine A. Thomas", is written over a horizontal line.

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

# Louisiana State Board of Nursing

17373 Perkins Road  
Baton Rouge, LA 70810  
Telephone: (225) 755-7500 Fax: (225) 755-7582  
<http://www.lsbnp.state.la.us>

**Certified Mail/Return Receipt Requested**

**Tracking No.: 7021 2720 0001 5067 1962**

May 2, 2022

Ms. Melissa Maree Smith  
218 Juniper Road  
Sulphur, LA 70663

Dear Ms. Smith:

The Board of Nursing received notification that on December 14, 2021, by Agree Order, you received the sanction of reprimand with stipulations and your vocational nursing license(s), and any privileges(s) to practice, as applicable, were placed on inactive status by the Texas Board of Nursing. You are herewith notified that, in accordance with the Rules of the Louisiana State Board of Nursing, particularly LAC 46:XLVII.3411.I, your Louisiana Registered Nurse license is automatically suspended until such time as the matter is cleared with the Texas Board of Nursing.

**Therefore, your Louisiana RN license is suspended.**

This will be reported to the **National Practitioner Data Bank (NPDB)** as **39: License Revocation, Suspension or Other Disciplinary Action Taken by a Federal, State or Local Licensing Authority.**

**NPDB Narrative: Respondent's Registered Nurse license was suspended after the Texas Board of Nursing issued a sanction of reprimand with stipulations against Respondent's Vocational Nursing license and privileges to practice and inactivated Respondent's license(s) in the state of Texas.**

If you are able to show error in the staff's action then you must so notify the Board in writing within ten (10) days of this date. If no staff error is found, the staff action for Automatic Suspension of your Louisiana Registered Nurse license will be considered by the Board for ratification at the next Board meeting on May 18, 2022.

If at some time in the future you can present evidence to the Board that your problems have been alleviated, you may request a hearing for the purpose of having the Board consider the reinstatement of your license.

LOUISIANA STATE BOARD OF NURSING



Carrie LeBlanc Jones  
Delegated Executive Director

CLJ/lmt

cc: Christus Hospice and Palliative Care  
Attn: Tennille Handy  
1130 Pithon Street #101  
Lake Charles, LA 70601