



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
Vocational Nurse License Number 343861 §
issued to MELANIE AMBER LASTER §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MELANIE AMBER LASTER, Vocational Nurse License Number 343861, 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)(8)&(12), 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 May 11, 2022.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Temple Junior College, Temple, Texas, on May 1, 2018. Respondent was licensed to practice vocational nursing in the State of Texas on June 28, 2018.
5. Respondent's nursing employment history includes:

6/2018 – 9/2019	Unknown	Hillside Medical Lodge Gatesville, Texas
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Respondent's nursing employment history continued:

9/2019 – 7/2020	LVN	UTMB Texas Department of Corrections Lane Murray Unit Gatesville, Texas
8/2020 – 9/2020	Not employed in nursing	
10/2020 – 4/2021	LVN (travel/contract)	Wellpath Nashville, Tennessee
5/2021 – 10/2021	LVN	Amberwood Health and Rehabilitation Benton, Arkansas
11/2021	Unknown	Unknown
12/2021 – 7/2022	LVN	Grifols Plasma Center Little Rock, Arkansas
8/2022 – Present	Not employed in nursing	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with UTMB Texas Department of Corrections Lane Murray Unit, Gatesville, Texas, and had been in that position for ten (10) months.
7. On or about July 2020, Respondent may have lacked fitness to practice nursing, in that she was admitted to rehab, and was treated for a substance use disorder that could have resulted in an injury to a patient or the public. 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 patients in potential danger.
8. On or about July 13, 2022, Respondent received an Order of Cease and Desist from the Arkansas State Board of Nursing wherein Respondent's privilege to practice nursing from the State of Texas in the State of Arkansas was ordered to cease and desist. A copy of the Order of Cease and Desist from the Arkansas Board of Nursing, dated July 13, 2022, is attached and incorporated by reference as part of this pleading.
9. In response to Finding of Fact Number Seven (7), Respondent states that in March 2020, she suffered from three (3) herniated disks in her back, which eventually led to her taking medical leave for 5 months. Respondent explains that her PCP prescribed her Klonopin to help her with anxiety, and over time, she began to abuse it along with prescription opioids and alcohol. Respondent relates she felt that she could not handle her new reality so she

turned to substances to cope. Respondent states that at the end of July 2020, her family intervened and took her to detox at a facility in Arkansas, where she spent five (5) days, and then voluntarily admitted herself for a thirty-day rehabilitation program where she was treated for PTSD, clinical depression and a substance use disorder. In response to Finding of Fact Number Eight (8), Respondent states she spoke with the Arkansas Board of Nursing, who informed her they are waiting for the Texas Board of Nursing to complete their investigation.

10. 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 301.451-301.555, 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 §217.12(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(8)&(12), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 343861, heretofore issued to MELANIE AMBER LASTER.
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.
6. 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.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that RESPONDENT 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) or the Arkansas Nurses Alternative Program as an alternative to TPAPN:**

- A. **Within forty-five (45) days** following the effective date of this Order, RESPONDENT SHALL apply to TPAPN or the Arkansas Nurses Alternative Program as an alternative to TPAPN.
- B. **Within ninety (90) days** following the effective date of this Order, RESPONDENT SHALL sign and execute the TPAPN or the Arkansas Nurses Alternative Program participation agreement and complete the enrollment process. If enrolling in TPAPN, the enrollment process SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse.
- C. Upon acceptance into the TPAPN or the Arkansas Nurses Alternative Program, as applicable, RESPONDENT SHALL **waive confidentiality and provide a copy of the executed participation agreement to the Texas Board of Nursing.**
- D. RESPONDENT SHALL **comply with all requirements of the applicable participation agreement** during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas in current status.
- E. RESPONDENT SHALL CAUSE the applicable program to **notify the Texas Board of Nursing of any violation of the participation agreement.**
- F. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- I. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed 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, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

A 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.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. CONSEQUENCES OF CONTINUED NONCOMPLIANCE

Continued noncompliance with the unfulfilled requirements of this or any Order previously issued by the Texas Board of Nursing, as applicable, may result in further investigation and subsequent disciplinary action, including denial of licensure renewal or revocation of RESPONDENT'S license(s) and/or privileges to practice nursing in the State of Texas.

VI. EFFECT OF NONCOMPLIANCE

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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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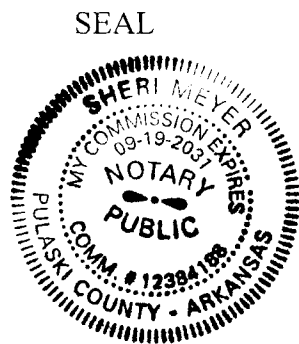
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RESPONDENT'S CERTIFICATION

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. 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 entry of this Order and all conditions of said 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 Texas Board of Nursing 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or 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 22 day of November, 2022.
Melanie Amber Laster
MELANIE AMBER LASTER, RESPONDENT

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



Sheri Meyer
Notary Public in and for the State of Arkansas
Exp 9-19-31

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of November, 2022, by MELANIE AMBER LASTER, Vocational Nurse License Number 343861, and said Agreed Order is final.

Effective this 29th day of November, 2022.



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



Arkansas Department of Health

Arkansas State Board of Nursing

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Governor Asa Hutchinson

Jennifer A. Dillaha, MD, Director

Renee Mallory, RN, Interim Secretary of Health

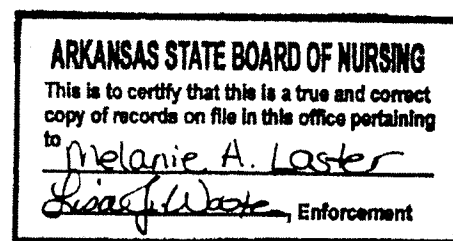
Sue A. Tedford, MNSc, APRN, Director

Sent by USPS Certified Mail Return Receipt
#7019 1640 0001 6074 0088

July 13, 2022

Melanie Amber Wyrick Laster
416 N. Main
Clarendon, AR 72029

RE: Texas PN Multistate License No. 343861
Multistate License Privilege to Practice



Dear Ms. Laster:

Melanie Amber Wyrick Laster (hereinafter referred to as Respondent) holds a PN license in the state of Texas, a member of the Interstate Nurse Licensure Compact. Respondent worked in Arkansas on a multistate licensure privilege of the Interstate Nurse Licensure Compact. The Arkansas State Board of Nursing has authority to take action on Respondent's privilege to practice in the State of Arkansas.

A.C.A. §17-87-601 Article III

- (d) All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.
- (e) A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts and the laws of the party state in which the client is located at the time service is provided.

A.C.A. §17-87-601 Article V

- (a) In addition to the other powers conferred by state law, a licensing board shall have the authority to:
- (2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state.

A.C.A. §17-87-602

The Arkansas State Board of Nursing may limit or revoke practice privileges in this state of a person licensed to practice nursing by a jurisdiction that has joined the Compact or take action on previous practice privilege action from another party state.

A.C.A. §17-87-309

- (a) The Arkansas State Board of Nursing shall have sole authority to deny, suspend, revoke, or limit any license or privilege 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:
- (6) Is guilty of unprofessional conduct;

Arkansas State Board of Nursing Rules Chapter 7, Section IV states:

A. Definitions

6. The term "unprofessional conduct" includes, but is not limited to, the conduct listed below:
- (c) Failing to make entries, destroying entries, and/or making false entries in records pertaining to the giving of narcotics, drugs, or nursing care.
- (d) Unlawfully appropriating medications, supplies, equipment, or personal items of the patient or employer.

The Arkansas State Board of Nursing (ASBN) received a complaint regarding Respondent's practice at Amberwood Health and Rehabilitation in Benton, Arkansas. This Order to Cease and Desist the practice of nursing in the state of Arkansas is being issued to Melanie Amber Wyrick Laster for violations of the *Arkansas Nurse Practice Act* and *Arkansas State Board of Nursing Rules, Chapter 7, Section IV* based on the following Findings of Fact:

1. Respondent is the holder of Texas PN Multistate license number 343861 issued by exam on June 28, 2018.
2. Respondent was employed at Amberwood Health and Rehabilitation in Benton, Arkansas, beginning May 6, 2021, until she voluntarily terminated on November 12, 2021 without notice.
 - On November 1, 2021, a verbal warning was issued to Respondent for unprofessional conduct in front of resident and other staff member.
 - On November 11, 2021, Respondent was issued a written warning for misappropriation of a resident's belongings. Jennifer Bell, Director of Nursing (DON), spoke with resident's pharmacy concerning a refill of resident's oxycodone. The pharmacy informed DON Bell the resident should not be out medication based on the amount sent by the pharmacy and the dosage ordered. The oxycodone was ordered one tablet every twelve hours scheduled. The narcotic log indicates Respondent documented retrieving one tablet and administering one

tablet while deducting the balance on hand by two tablets. The Narcotic log also indicates two doses were given at non-scheduled times indicating the resident received three doses in one day.

- Respondent failed to come to the facility to review the findings and provide a statement. Respondent quit without notice.
- A review of five (5) medical records revealed the following unaccounted-for medications between the dates of October 1, 2021, and October 31, 2021:
 - hydrocodone 447.5mg
 - oxycodone 80mg
- Respondent failed to communicate with the investigator from the Arkansas State Board of Nursing.

The evidence received is sufficient cause pursuant to Ark. Code Ann. §17-87-309 and §17-87-601 - 602 to probate, suspend or revoke Respondent's multistate licensure privilege in the state of Arkansas or to issue an order to cease and desist the practice of nursing in Arkansas.

For the reasons stated above, the Arkansas State Board of Nursing orders Respondent to CEASE AND DESIST from the practice of nursing in Arkansas. Respondent must immediately CEASE AND DESIST from the practice of nursing in Arkansas based on compact privileges granted through the home state, Texas.

Be advised that the Board may continue to pursue formal action on your multistate privilege to practice nursing in the state of Arkansas. The results of any final disciplinary action are public information, and information will be forwarded to the National Council of State Boards of Nursing, Inc., and to the National Practitioner Data Bank.

You may request a hearing before the Arkansas State Board of Nursing within thirty (30) days upon service of this Order.

Sincerely,



Sue A. Tedford, MNsc, APRN
Director
Arkansas State Board of Nursing

Case # 2021110091
NPDB Code(s): E3, 50, H^

SAT/lw