

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse §  
License Number 121103 §  
issued to MELODIE ANE ORFI §



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.  
*Patricia P. Thomas*  
Executive Director of the Board

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 121103, issued to MELODIE ANE ORFI, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent did not waive notice and hearing, she did agree to permanently surrender her nursing license by signed statement dated November 18, 2008.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
2. Respondent received a Certificate in Vocational Nursing from Dayton School of Practical Nursing, Dayton, Ohio, on March 17, 1988. Respondent was licensed to practice vocational nursing in the State of Texas on September 2, 1988.
3. Respondent's vocational nursing employment history includes:
 

1988	Unknown
1989 - 1990	LVN San Antonio State Hospital San Antonio, Texas

Respondent's vocational nursing employment history continued:

1989 - 1990	LVN San Antonio State Hospital San Antonio, Texas
1991 - May 1993	Unknown
June 1993 - June 1994	LVN Medical Center Nursing Facility San Antonio, Texas
June 1993 - June 1998	LVN Olsten Health Care San Antonio, Texas
July 1998 - July 2003	Unknown
August 2003 - August 2004	LVN FE Care Inc. Garden Ridge, Texas
September 2004 - Present	Unknown

4. Formal Charges were filed on September 19, 2006. A copy of the Formal Charges is attached by reference as part of this Order. Formal Charges were mailed to Respondent on September 27, 2006. Respondent filed an answer to Formal Charges on October 18, 2006. A copy of Respondent's answer is attached by reference as part of this Order.
5. Respondent submitted a statement to the Bexar County District Attorney voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's statement is attached and incorporated herein by reference as part of this Order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

4. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
5. Any subsequent reinstatement of this license will be controlled by your agreement to permanently surrender your license and, if applicable, Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

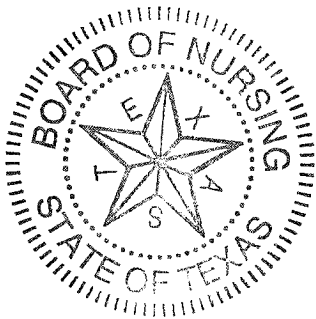
NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 121103, heretofore issued to MELODIE ANE ORFI, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to MELODIE ANE ORFI, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

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

Effective this 28th day of June, 2010.

TEXAS BOARD OF NURSING



By:

*Katherine A. Thomas*

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

**In the Matter of Permanent License** § **BEFORE THE BOARD**  
**Number 121103, Issued to** § **OF NURSE EXAMINERS**  
**MELODIE ANE ORFI, Respondent** § **FOR THE STATE OF TEXAS**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MELODIE ANE ORFI, is a Vocational Nurse holding license number 121103, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### **CHARGE I.**

On or about August 11, 2000, Respondent submitted a license renewal application to the Board of Nurse Examiners for the State of Texas in which she answered "N/A" to the following questions: "HAVE YOU PREVIOUSLY NOTIFIED THE BOARD OF ANY AND ALL CONVICTIONS?" On August 6, 1993, Respondent plead "Guilty" and was "Convicted" of NEGLECT (a Gross Misdemeanor Offense committed on or about March 14, 1991), under Cause Number K7-93-600006, in the St. Louis County Court, Duluth, Minnesota.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(8).

#### **CHARGE II.**

On or about September 2003 through August 11, 2004, while employed with FE Care Inc., Seguin, Texas, Respondent telephonically (including Via Facsimile) communicated fraudulent prescriptions for Tussionex and Hydro-Tussin, using the DEA number assigned to Clay Gruesbeck, M.D. at the National Extended Care Pharmacy, San Antonio, Texas, and had the prescriptions delivered to her home address in San Antonio, Texas. Respondent's conduct was deceiving and defrauded the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Sections 302.402(a)(10) and 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(5) & (7).

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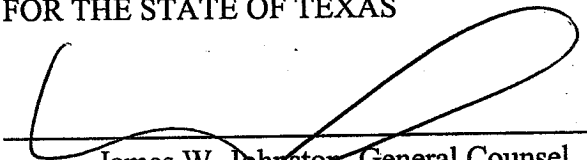
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency, Fraud, Theft & Deception which can be found at the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us).

Filed this 19 day of September, 2006.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Victoria Cox, Assistant General Counsel  
State Bar No. 0079585

E. Joy Sparks, Assistant General Counsel  
State Bar No. 18874600

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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DOCKET NUMBER 507-06 \_\_\_\_\_

IN THE MATTER OF  
LICENSE NUMBER 121103  
ISSUED TO  
**Melodie Ane Orfi,**  
**Respondent**

BEFORE THE  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

**RESPONDENT'S ANSWER TO FORMAL CHARGES**

TO: Mr. Dusty Johnston, General Counsel Texas State Board of Nurse Examiners 333  
Guadalupe Suite III-460 Austin, Texas 78701

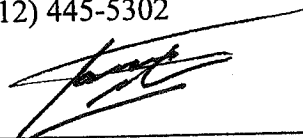
Comes now, Respondent, Melodie Ane Orfi and files this, her Original Answer  
in response to Formal Charges filed by the Board of Nurse Examiners on September 19,  
2006. Respondent excepts to the Board's requirement that she respond to each allegation  
individually as same is not required by the APA.

Respondent denies Charge One (I).

Respondent denies Charge Two (II).

Respectfully submitted,

LAW OFFICE OF LOUIS LEICHTER  
1602 East 7th Street  
Austin, Texas 78702  
Tel. (512) 445-9662  
Fax. (512) 445-5302

By:   
Louis Leichter  
State Bar No. 24000243

ATTORNEY FOR RESPONDENT  
MELODIE ANE ORFI



Susan D. Reed  
Criminal District Attorney  
Bexar County, Texas

November 18, 2008

RE: MELODI A ORFI, L.V.N. license #121103  
State of Texas v. Melodi Orfi,  
Cause Nos. 2005CR6003, 2005CR6004, 2005CR6005

To Whom It May Concern:

I, Melodi Orfi, defendant in the above-styled causes, agree to permanently surrender my license to practice nursing to the Texas State Board of Nursing. I am entering into this agreement voluntarily. I understand that in consideration for my agreement to permanently surrender my license, the State of Texas will dismiss the above-styled cases in which I am charged with obtaining prescriptions by fraud.

I further agree that, in the future, if I reapply for a license to practice nursing, the State Board of Nursing may consider all of the attached documents in evaluating my application for a nursing license.

Sincerely,

A handwritten signature in cursive script that reads "Melodie A. Orfi".

Melodi A. Orfi  
L.V.N., license #121103