



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 Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § REINSTATEMENT
License Number 687841 § AGREED ORDER
issued to MELISA LYNN BELL §

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 687 held by MELISA LYNN BELL, hereinafter referred to as Petitioner.

An informal conference was held on December 15, 2009, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was represented by Nancy Roper Willson, RN, Attorney at Law. In attendance were Kathy Thomas, MN, RN, Executive Director; Melinda Hester, MSN, RN, Lead Practice Consultant; John Legris, Assistant Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Kathy Duncan, RN, Investigator; Toni Frizell, RN, Investigator; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from Blinn College, Bryan, Texas, on May 6, 2002. Petitioner was licensed to practice professional nursing in the State of Texas on July 16, 2002.
4. Petitioner's professional nursing employment history includes:

5/02 - 8/02

Surgical Nurse

Baylor All-Saints Hospital
Fort Worth, Texas

Petitioner's professional nursing employment history continued:

9/02 - 2/08	Oncology Nurse	Harris Methodist Hospital Fort Worth, Texas
3/08 - present	Not employed in nursing	

5. On May 1, 2008, the Board of Nurse Examiners for the State of Texas accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the May 1, 2008, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
6. On or about July 8, 2009, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
7. Petitioner presented the following in support of her petition:
 - 7.1. Documentation, dated April 17, 2009, from Ellis County Community Supervision and Corrections Department, Waxahachie, Texas, reflecting Petitioner's successful completion of probation under Cause No. 0610966CR on September 11, 2007, Cause No. 0610964CR on September 11, 2008, and Cause No. 30692CR on April 7, 2009.
 - 7.2. Letter of support, dated June 30, 2009, from Karen Stuck, Bedford, Texas, states she first met Petitioner when she was assigned to be her care giver by a company in October 2008. Not long after they met, Ms. Stuck decided to hire Petitioner to be her personal care giver when Petitioner left the company in November. It was obvious to Ms. Stuck that Petitioner was a nurse; so exceptional that it was not something she could hide. When Ms. Stuck first asked Petitioner if she was a nurse, she denied it because she was a care giver for the company she worked for. Petitioner is the best nurse and has more nursing skills than any nurse Ms. Stuck has met in her lifetime. Petitioner is exceptional in every way. While Ms. Stuck was in a nursing home, Petitioner followed up with the head of physical therapy because the therapist was putting the leg splints on her legs backwards. Petitioner also followed up with the nursing staff about getting her Groshong flushed and dressing changed because it was not being done. The staff said they did not have orders to take care of the Groshong. Thanks to Petitioner's persistence, these problems were solved for Ms. Stuck. Ms. Stuck states Petitioner is the best nurse she has ever met.
 - 7.3. Letter of support, dated July 3, 2009, from Oneta Swenson, Hurst, Texas, states over the past few months that Petitioner has been the care giver for her sister-in-law, she has always shown deep compassion and genuine concern for her welfare. Petitioner has gone out of her way to see that Ms. Swenson's sister-in-law has been given the best of care. Petitioner is friendly, personable, and seems very knowledgeable,

listening with interest to concerns, and willing to help however she can. Petitioner definitely has been a blessing.

- 7.4. Letter of support from Kathryn Stair, RN, states she has known Petitioner since September 2002. Ms. Stair worked with Petitioner on the Oncology unit at Harris Methodist in Fort Worth, Texas, from September 2002, to January 2008. Ms. Stair found Petitioner to be a very good nurse. She was someone you looked forward to working with. Ms. Stair found Petitioner to be a competent, responsive and conscientious nurse. She was a great patient advocate. She was always concerned about the patient's needs and well-being. She was a team player. She never shied away from an opportunity to help another nurse to ensure that all the patients were receiving the best care possible.
- 7.5. Letter of support, dated June 4, 2009, from Christine Williams, states she met Petitioner four (4) years ago while working on the Oncology unit at Harris Methodist. She was a nurse that one could depend on to help out when things were really busy. When a patient became unstable during the night, Petitioner used good judgement and made wise decisions when appropriate. Ms. Williams believes Petitioner has learned a valuable lesson and she understands her mistakes. Ms. Williams has no doubt that Petitioner can and will be a dependable nurse once again.
- 7.6. Letter of support, dated April 28, 2009, from Lisa Hutson, RN, states she worked with Petitioner for several years and found her to be professional at work. She is proficient with sterile dressing changes, placing NG tubes and any other procedures she had to perform. Petitioner never hesitated to help other nurses if there was a need for it. If there was a problem or issue with a patient, Petitioner did not hesitate to act on it and get the problem solved. She would be an asset to any facility that hires her.
- 7.7. Letter of support, dated June 5, 2009, from Jerri Roemer, Bryan, Texas, states having raised Petitioner, her opinion is most likely perceived as biased. Petitioner has the ability to empathize with patients, giving her the ability to identify their needs and address them. During the time Petitioner was without her nursing license, she was resourceful enough to continue to look for work that allowed her the opportunity to assist those in need, utilizing the knowledge and experience that she obtained in earning her license. Ms. Roemer hopes the Board will strongly consider reinstating Petitioner's license to practice.
- 7.8. Letter of support, dated June 6, 2009, from Mattie Bell, Mt. Vernon, Texas, states she feels Petitioner should be given another chance. Ms. Bell feels that Petitioner is a gift from God to serve people and patients.
- 7.9. Letter of support, dated June 6, 2009, from John Roemer, Bryan, Texas, states he is Petitioner's step-father and has known her for over eleven (11) years. Petitioner is a very caring person and truly enjoys helping people. After she first started working, she truly blossomed because she realized she had value as a person and was capable

of making a positive difference in people's lives. Her patients have always given her the highest praise.

7.10. Letter of support from Oliver Bell, Bryan, Texas, states he has known Petitioner all of her life and is writing on her behalf as her father. Petitioner has worked hard to get back to where she is now. She continued to work toward the time where she would once again be a nurse. During Petitioner's time without a license she has stayed in touch with the medical field through the work she has done. The time she lost as not being a nurse cannot be given back, or the countless number of people that could have been helped, or lives touched by someone who actually cared about them. Petitioner is deserving to have her nursing career given back so that she can perform her duties of helping others and making them comfortable.

7.11. Documentation of twenty (20) Type 1 contact hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of MELISA LYNN BELL, Registered Nurse License Number 687841, to practice vocational and professional nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice nursing in the State of Texas. Said license issued to MELISA LYNN BELL, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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. PETITIONER 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 PETITIONER'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>.*

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATION PERIOD:

(3) PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) For the duration of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. 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 one (1) year of employment as a nurse.

(7) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board**

approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(8) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

(9) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER's progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the PETITIONER's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until PETITIONER is dismissed from therapy.

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

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional 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 convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed 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 to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my licenses to practice vocational and professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 21st day of Jan, 2010.

Melisa Lynn Bell
MELISA LYNN BELL, Petitioner

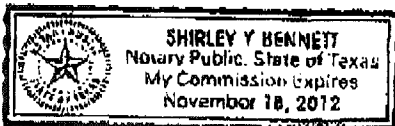
Approved as to form ^{and} ~~and~~ substance.

Nancy Roper Willson
NANCY ROPER WILLSON, RN, Attorney for Petitioner

Signed this 22nd day of January, 2010.

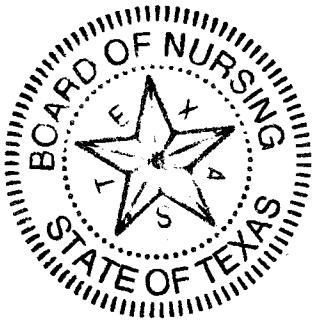
Sworn to and subscribed before me this 21 day of January, 2010.

SEAL



Shirley Y Bennett
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 21st day of January, 2010, by MELISA LYNN BELL, Registered Nurse License Number 687841, and said Order is final.



Effective this 23rd day of March, 2010.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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

confinement in the Ellis County Jail for a period of one hundred eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.

7. On or about September 12, 2006, Respondent entered a plea of Nolo Contendere to ESCAPE FROM CUSTODY, (a Class A misdemeanor offense committed on January 15, 2006), in the County Court at Law of Ellis County, Texas, under Cause No. 0610966CR. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of three hundred sixty-five (365) days. Respondent was required to spend one (1) day in the Ellis County Detention Center (with one (1) day credit given for time already spent in jail). Additionally, Respondent was ordered to pay a fine and court costs.
8. On or about September 8, 2006, Respondent entered a plea of Guilty to EVADING ARREST WITH VEHICLE, (a State Jail Felony offense committed on January 15, 2006), in the 40th Judicial District Court of Ellis County, Texas, under Cause No. 30692CR. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay a fine and court costs.
9. Respondent indicates she has charges pending for the misdemeanor offense of Theft Under Fifty in the Arlington Municipal Court, Arlington, Texas. She had a scheduled court date of September 17, 2007. The disposition has been requested.
10. On or about April 20, 2007, Respondent submitted a written statement related to Findings of Fact numbers Six, Seven and Eight (6, 7 & 8), in which she stated "At the time of the incident, January 15 & 16, 2006, I was working nights. I had worked the night before (14th) and was going to a friend's party. I arrived at the club where the party was being held at 1:30 am. While I was there I had two eight-ounce drinks. Unfortunately, when I got the second one my friend wanted to go dance so I set my drink down on our table where I thought it would be safe. The next morning, I woke up in jail. I did not know how I got there or why I felt so ill. When I went to see the judge that morning, I was told that I had been charged with evading arrest with a motor vehicle, assault, coercion of a public servant, escape from custody, and DWI. I was completely shocked. The night this happened, whatever was in my system made me act extremely out of character. However, I had no way of proving that anything had been put into my drink because I had refused all tests that night."
11. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 violations of Section 301.452(b)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 687841, heretofore issued to MELISA LYNN BELL, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered License Number 687841, heretofore issued to MELISA LYNN BELL, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to MELISA LYNN BELL, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

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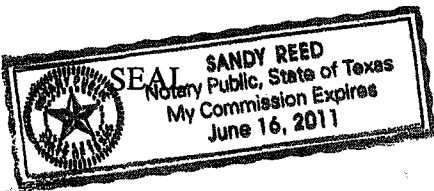
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 25th day of April, 2008.

Melisa Lynn Bell
MELISA LYNN BELL, Respondent

Sworn to and subscribed before me this 25 day of April, 2008.



[Signature]
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 687841, previously issued to MELISA LYNN BELL.

Effective this 1st day of May, 2008.



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