

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBERS 578036 & 107814  
ISSUED TO  
MELISSA ANN RICE

§  
§  
§  
§  
§  
§  
§  
§

BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE TEXAS  
BOARD OF NURSING



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.  
*Melissa Ann Rice*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Melissa Ann Rice  
Route 2, Box 266A  
Newton, Texas 75966

During open meeting held in Austin, Texas, on November 10, 2009, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's licenses to practice vocational and professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

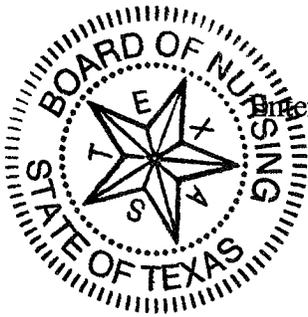
The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Numbers 578036 & 107814, previously issued to MELISSA ANN RICE, to practice vocational and professional nursing in the State of Texas be, and the same are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational and professional nursing in the State of Texas.



Entered this 10th day of November, 2009.

TEXAS BOARD OF NURSING

BY:

*Katherine A. Thomas*

KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Vocational Nurse License           §       BEFORE THE TEXAS  
Number 107814, and Registered Nurse           §  
License Number 578036, Issued to           §  
MELISSA ANN RICE, Respondent           §       BOARD OF NURSING  
AKA MELISSA ANN MORSE

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MELISSA ANN RICE, is a Vocational Nurse holding license number 107814, which is in delinquent status at the time of this pleading, and is a Registered Nurse holding license number 578036, which is in delinquent 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 14, 2008, Respondent failed to comply with the Agreed Order issued to her on August 13, 2007, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with Stipulation Number Two (2) of the Agreed Order which states, in pertinent part:

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics....

A copy of the August 13, 2007, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

**CHARGE II.**

On or about August 14, 2008, Respondent failed to comply with the Agreed Order issued to her on August 13, 2007, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with Stipulation Number (3) of the Agreed Order which states, in pertinent part:

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation....

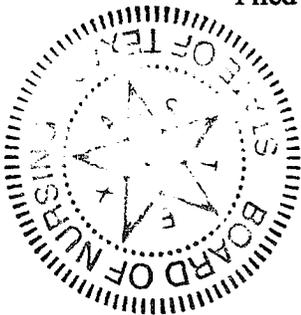
The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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.bon.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order of the Board dated May 18, 1987, Order of the Board dated December 11, 1989, Agreed Order dated August 13, 2007.

Filed this 13<sup>th</sup> day of July, 2009.



TEXAS BOARD OF NURSING

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

Jena Renee Koslan Abel, Assistant General Counsel  
State Bar No. 24036103

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated May 18, 1987.  
Order of the Board dated December 11, 1989.  
Agreed Order dated August 13, 2007.

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse License Number 578036	§	AGREED
and Vocational Nurse License Number 107814	§	
issued to MELISSA ANN RICE	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MELISSA ANN RICE, Registered Nurse License Number 578036 and Vocational Nurse License Number 107814 , hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 4, 2007, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Jasper Memorial Hospital School of Vocational Nursing, Jasper, Texas, on July 30, 1984, and received an Associate Degree in Nursing from Regents College, Albany, New York, on November 24, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984, and was licensed to practice professional nursing in the State of Texas on March 17, 1992.

5. Respondent's nursing employment history includes:

12/17/84 to 12/85      Licensed Vocational Nurse (LVN)  
Mid-Jefferson Hospital  
Nederland, Texas

1/86 to 8/86      LVN  
West Park Community Hospital  
Hammond, Louisiana

7/86 to 5/87      LVN  
Park Place Hospital  
Port Arthur, Texas

6/87 to 11/89      Not employed in nursing

12/89 to 3/93      LVN/GN/RN  
Park Place Hospital  
Port Arthur, Texas

3/93 to 11/94      RN, Travel Assignments  
Staff Relief, Inc.  
North Carolina

12/94 to 4/95      Not employed in nursing

5/95 to 11/96      RN  
Jasper Memorial Hospital  
Jasper, Texas

12/96 to 12/99      RN  
Park Place Hospital  
Port Arthur, Texas

1/00 to 5/00      Not employed in nursing

6/00 to 7/01      RN  
Preferred Home Health  
Port Arthur, Texas

Respondent's nursing employment history continued:

12/00 to 7/01	RN St. Elizabeth's Hospital Beaumont, Texas
7/01 to 9/02	RN Jasper Memorial Hospital Jasper, Texas
9/02 to 10/05	RN, Field Nurse Advantage Plus Homecare Jasper, Texas
11/05	Unknown
12/05 to Present	RN, Agency Nurse Med Force Staffing Beaumont, Texas
6/06 to 1/10/07	RN Christus Jasper Memorial Hospital Jasper, Texas

6. On May 18, 1987, Respondent's license to practice vocational nursing was revoked through an Order of the Board by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, Procedures for Review, and Order dated May 18, 1987, is attached and incorporated by reference as a part of this Order.
7. On December 11, 1989, Respondent's license to practice vocational nursing was reinstated, suspended, suspension stayed and placed on probation through an Order of the Board by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, Order, Certificate of Service, and Certificate to Order of the Board dated December 11, 1989, is attached and incorporated by reference as a part of this Order.
8. On or about January 1993, upon renewing her license to practice professional nursing in the State of Texas, Respondent failed to disclose to the Board, as required, that on November 12, 1992, she had been adjudicated guilty of "Driving While Intoxicated" (a misdemeanor offense committed on July 6, 1992), in the County Court of Jefferson County at Law No. 3, Jefferson County, Texas, Cause Number 600 61 1389. Respondent completed the terms of her probation on November 12, 1993, and upon renewing her license on March 15, 2007, Respondent finally disclosed her criminal history to the Board. Respondent's conduct was deceptive and may have affected the Board's decision regarding renewal of her licensure.
9. At the time of the initial incident in Finding of Fact Number Ten (10), Respondent was employed as a RN Field Nurse with Advantage Plus Homecare, Jasper, Texas, and had been in this position for three (3) years and one (1) month.

10. On or about October 17, 2005, through October 28, 2005, while employed as a RN Field Nurse with Advantage Plus Homecare, Jasper, Texas, Respondent failed to submit documentation of skilled nurse visits for several patients. Respondent's conduct resulted in inaccurate medical records and exposed the patients unnecessarily to a risk of harm in that subsequent caregivers would have relied on her documentation while providing further care to the patients.
11. On or about October 29, 2005, through October 30, 2005, while employed as a RN Field Nurse with Advantage Plus Homecare, Jasper, Texas, Respondent failed to return calls or to notify her supervisor that she was not able to perform skilled nurse visits as scheduled. Respondent's conduct exposed the patient's unnecessarily to a risk of harm from conditions that may have remained undetected due to having not been evaluated during skilled nurse visits, and from not having received care and interventions as ordered by the physician.
12. In response to the incident in Finding of Fact Number Ten (10), Respondent states that after her employment ceased with Advantage Plus Homecare, Jasper, Texas, she was called immediately out of town and the documentation slipped her mind. When she was notified of the missing documentation, she contacted the Director of Nursing (DON) with Advantage Plus Homecare, Jasper, Texas, and was told the documentation was no longer needed, so she burned the documents, thinking she was properly disposing of patient information. In response to the incident in Finding of Fact Number Eleven (11), Respondent states she notified the scheduler she was ill and not able to perform a late admission. Respondent was told the DON or the Owner would perform the admission. Respondent further states that she informed the DON the next morning that she was too ill to take call, then Respondent received a call from the Owner and stated that she had not told anyone until that morning that she was too ill to take call. Respondent had no further contact with the DON, Owner, or the answering service.

#### 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 Sections 301.452(b)(2),(10)&(13), Texas Occupations Code, 4525(b)(2)&(9), Texas Revised Civil Statutes, and 22 TEX. ADMIN. CODE §§ 217.11(1)(D)&(1)(P)[*effective September 28, 2004*], 217.12(1)(C)&(6)(H)[*effective September 28, 2004*] and 217.13(17).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 578036 and Vocational Nurse License Number 107814, heretofore issued to MELISSA ANN RICE, including revocation of Respondent's licenses to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION AND A FINE, and RESPONDENT 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privileges without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized licenses issued to MELISSA ANN RICE to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) 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) contact 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 Chemical Dependency, 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.bne.state.tx.us/about/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.bne.state.tx.us/about/stipscourses.html>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, 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 when this Order becomes final and the terms of this Order become effective, 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 06 day of August, 2007.

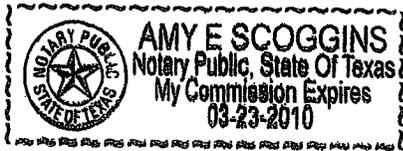
Melissa Ann Rice  
MELISSA ANN RICE, Respondent

Sworn to and subscribed before me this 6th day of August, 2007.

SEAL

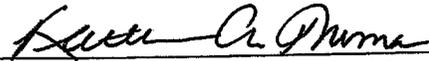
Amy E. Scoggins

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 6th day of August, 2007, by MELISSA ANN RICE, Registered Nurse License Number 578036 and Vocational Nurse License Number 107814, and said Order is final.

Effective this 13th day of August, 2007.



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

10767814

BEFORE THE BOARD OF VOCATIONAL  
NURSE EXAMINERS IN AND FOR THE  
STATE OF TEXAS  
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In the matter of Permanent  
License Number 107814  
issued to  
MELISSA ANN MORSE

ORDER OF THE BOARD

TO: MELISSA ANN MORSE  
P.O. Box 24  
Nederland, Texas 77627

The Board of Vocational Nurse Examiners in and for the State of Texas, held a scheduled Hearing on the 5th day of December, 1989, to determine whether cause exists under Article 4528c, V.A.C.S., to reinstate license number 107814, previously issued to MELISSA ANN MORSE.

At the Hearing, Mrs. Sharon Johnson L.V.N., President of the Board, presided and the following members were present:

- Mrs. Adelia D. Miller, R.N.
- Mrs. Annie Mae Parker, LVN
- Mrs. Mary Suzanne Wilkinson, LVN
- Mr. Wayne L. Ogburn
- Ms. Norma Jean Clark, LVN
- Mrs. Sandra Underwood Knight, LVN

The Board of Vocational Nurse Examiners for the State of Texas was represented by Ms. Susan Henricks, Attorney at Law. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

Re: MELISSA ANN MORSE, hereinafter referred to as Applicant.

1. That vocational nursing license number 107814, previously issued to Applicant was revoked, by the Board of Vocational Nurse Examiners on May 18, 1987.

RE: MELISSA ANN MORSE, LVN# 107814  
ORDER OF THE BOARD, 12-1999  
PAGE, 2

11/6/99

2. That Applicant was provided with a written Order of Revocation, as required by Article 6252-13a of the Administrative Procedure Act, as amended.
3. That the revocation was based upon findings that the Applicant acknowledged a problem with narcotics while employed as a Licensed Vocational Nurse at Mid-Jefferson County Hospital in about 1986 and subsequently submitted to a urine drug screen that was positive for T.H.C.
4. That Applicant has petitioned the Board for a reinstatement hearing for license number 107814.
5. That Applicant was notified of the Board requirements for evidence of rehabilitation.
6. That Applicant was provided with Notice of reinstatement hearing.
7. That Applicant was present before the Board as required by rule No. 231.98 of the Rules and Regulations relating to Vocational Nurse Education, Licensure and Practice in the State of Texas.
8. That Applicant was not represented by counsel.
9. That the Applicant has shown fitness to practice vocational nursing by virtue of conduct subsequent to revocation.
10. That the Applicant is sufficiently rehabilitated to practice as a vocational nurse.
11. That the Applicant is sufficiently fit to practice as a vocational nurse.

CONCLUSIONS OF LAW

That the Applicant has met their burden of proof to show fitness and/or rehabilitation to practice vocational nursing.

ORDER

NOW, THEREFORE, IT IS ORDERED that License Number 107814, previously issued to MELISSA ANN MORSE, to practice vocational nursing in the State of Texas be and same is hereby reinstated, suspended, suspension stayed and placed on probation for a period of two (2) years.

#107814

The probation of said license shall be subject to the following stipulations, to-wit:

1. That the Respondent shall cause her nursing employer(s) to submit satisfactory reports to the Board office on a quarterly basis for the term of probation.

2. That said nursing employer reports are due on the following dates to-wit:

March 5 - 1990, 1991  
June 5 - 1990, 1991  
September 5 - 1990, 1991  
December 5 - 1990, 1991

3. That Respondent shall not be employed by a nurse registry/temporary nurse agency or as a private duty nurse.

4. That Respondent shall work only under the direct supervision of a licensed medical professional.

5. That Respondent cannot work in an autonomous nursing position.

6. That any period(s) of unemployment must be documented in writing by Respondent and submitted to the Board Office throughout the term of probation.

7. That the Respondent shall attend Alcoholics Anonymous or Narcotics Anonymous and shall cause her program sponsor/counselor to submit satisfactory semi-annual reports to the Board office for the term of probation.

8. That said Alcoholics Anonymous or Narcotics Anonymous reports are due on the following dates to-wit:

June 5 - 1990, 1991  
December 5 - 1990, 1991

9. That the Respondent shall submit to random periodic urine drug screens upon demand of the Board staff. Said screens shall be properly monitored with adherence to chain of custody procedures. The results of said screens shall be submitted to the Board office by the laboratory. The expense of said screens shall be borne by the Respondent.

10. That if Respondent's place of employment, her name, address, or telephone number changes, Respondent is to notify the Board Office immediately.

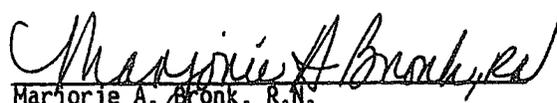
11. That Respondent shall conduct herself in conformity with this order shall conform to all laws of the State of Texas, the Vocational Nurse Act and the Rules and Regulations of the Board of Vocational Nurse Examiners.

12. That failure to comply with conditions of probation will result in further disciplinary action by the Board.

RE: MELISSA ANN MORSE, LVN# 107814  
ORDER OF THE BOARD, 12-1989  
PAGE 4

#107814

Entered this the 11<sup>th</sup> day of December, 1989.



Marjorie A. Bronk, R.N.  
Executive Director  
Board of Vocational Nurse Examiners

SWORN AND SUBSCRIBED to before me, the undersigned authority, on this the 11<sup>th</sup> day of December, 1989.



NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
Linda Rae Kent  
My Commission Expires 10-24-93.

RE: MELISSA ANN MORSE, LVN# 107814  
ORDER OF THE BOARD, 12 89  
PAGE 5

107814

CERTIFICATE OF SERVICE

I hereby certify that on the 11<sup>th</sup> day of December,  
19 89, a true and correct copy of the foregoing Order was served by placement  
in the U.S. Mail, first class, and addressed to the following person(s):

MELISSA ANN MORSE  
P.O. Box 24  
Nederland, Texas 77627

*Marjorie A. Bronk*  
MARJORIE A. BRONK, R.N.  
EXECUTIVE DIRECTOR

107814

BEFORE THE BOARD OF VOCATIONAL  
NURSE EXAMINERS IN AND FOR THE  
STATE OF TEXAS

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In the matter of Permanent  
License Number 107814  
issued to  
MELISSA ANN MORSE

ORDER OF THE BOARD

TO: Melissa Ann Morse  
P. O. Box 623  
Kirbyville, Texas 75956

The Board of Vocational Nurse Examiners in and for the State of Texas, held a scheduled hearing on the 18th day of May, 1987, to determine whether cause exists under Article 4528c, V.A.C.S., to suspend or revoke license number 107814, heretofore issued to MELISSA ANN MORSE.

At the Hearing, Mrs. Linda Savannah, LVN, President of the Board, presided and the following members were present:

Mrs. Dorothy Harris, LVN  
Mrs. Lola Marie Mills, LVN  
Mrs. Sharon Johnson, LVN  
Mrs. Annie Mae Parker, LVN  
Mrs. Adelia D. Miller, R.N.  
Mr. Victor W. Rhoads

The Board of Vocational Nurse Examiners for the State of Texas was represented by Ms. Susan Henricks, Attorney at Law. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. That MELISSA ANN MORSE is a vocational nurse licensed by the State of Texas and holds license number 107814.

#107814

2. That a sworn complaint was filed with the Board of Vocational Nurse Examiners for the State of Texas in accordance with Article 4528c, Section 10 (d) of the Vocational Nurse Act.
3. That Notice of Hearing and Complaint were sent to MELISSA ANN MORSE in accordance with Article 6252-13a, of the Administrative Procedure Act, as amended.
4. That MELISSA ANN MORSE was present before the Board.
5. That MELISSA ANN MORSE was represented by counsel.
6. That MELISSA ANN MORSE was employed as a Licensed Vocational Nurse at Mid-Jefferson County Hospital (a A.M.I., Incorporated Health Care Center) in Nederland, Texas, from about August 6, 1984 through November 1985, and again May 12, 1986 through October 24, 1986.
7. That while so employed during 1985, MELISSA ANN MORSE developed a significant absenteeism problem along with faltering job performance which was affecting patient care and resulted in written counselings and the institution of a 90-day probationary period for MELISSA ANN MORSE on or about October 29, 1985. Shortly after this date, MELISSA ANN MORSE transferred to another A.M.I., Incorporated hospital in Louisiana.
8. That on or about May 12, 1986 MELISSA ANN MORSE returned to employment at Mid-Jefferson County Hospital and within a few weeks, admitted to her nursing supervisor that she had a narcotic problem.
9. That MELISSA ANN MORSE was subsequently granted a leave of absence from said hospital and entered a 42 day in-patient drug rehabilitation program on or about May 22, 1986 through July 7, 1986, when she returned to work after signing a contract with her nursing employer and counselors.
10. That after her return to work under contract, MELISSA ANN MORSE was again counseled for excessive absenteeism, and violated said contract when a random urine drug screen tested positive for T.H.C., and MELISSA ANN MORSE resigned from employment on or about October 24, 1986.
11. That MELISSA ANN MORSE has acknowledged her addiction to drugs and alcohol, and her failure to comply with the terms of her return to work contract.
12. That as a result of the foregoing findings, MELISSA ANN MORSE represents an imminent peril to the public health, safety or welfare which requires immediate effect of the order rendered in this case.

CONCLUSIONS OF LAW

1. That MELISSA ANN MORSE has violated the Vocational Nurse Act or rule, regulation or order issued under the Act, contrary to Article 4528c, Section 10 (a) (1), Revised Civil Statutes of Texas.

ORDER OF THE BOARD, May 18, 1987  
RE: MELISSA ANN MORSE  
PAGE 3

#167814

2. That MELISSA ANN MORSE has engaged in the intemperate use of alcohol or drugs, in violation of Article 4528c, Section 10 (a) (8), Revised Civil Statutes of Texas.

3. That MELISSA ANN MORSE has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas.

4. That MELISSA ANN MORSE has failed to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to a patient was sustained, in violation of Board Rule 231.81 (6) (k).

5. That MELISSA ANN MORSE presents an imminent peril to the public health, safety or welfare, as specified by Article 6252-13a, 16 (c), Revised Civil Statutes of Texas, and therefore this order is final and effective on this the 18th day of May, 1987.

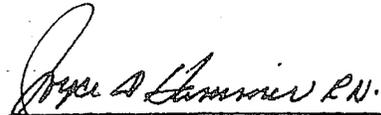
PROCEDURES FOR REVIEW

Pursuant to Section 231.90 and Subsection 231.91 of the Rules and Regulations of the Board of Vocational Nurse Examiners, the finding of imminent peril to the public health, safety, or welfare requires immediate effect of final decision or order. Therefore, the decision or order is final and appealable on the date rendered. Proceedings for review and instituted by filing a petition in the district court within 30 days after the service of final and appealable decision of the Board.

ORDER

NOW, THEREFORE, IT IS ORDERED that License Number 107814, heretofore issued to MELISSA ANN MORSE, to practice vocational nursing in the State of Texas be and same is hereby revoked.

Entered this the 18th day of May, 1987.

  
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JOYCE A. HAMMER, R.N.  
Executive Director  
Board of Vocational Nurse Examiners

ORDER OF THE BOARD, M... 1987  
RE: MELISSA ANN MORSE  
PAGE 4

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SWORN AND SUBSCRIBED to before me, the undersigned authority, on this the 18th day of May, 1987.



NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
Linda Rae Kent  
My Commission Expires 10-24-89.

#107814

Certificate to Order of the Board  
In the matter of Vocational Nurse  
License No. 107814  
Issued to MELISSA ANN MORSE

The aforementioned Findings of Fact, Conclusions of Law and Order of the Board represent a final decision or Order duly made by the Board of Vocational Nurse Examiners in and for the State of Texas on this the 18 day of May 1987.

Linda Savannah Lon  
Annie Mae Perkins  
Woodly A. Harris, Sr.  
Victor W. Shoads  
Lela Marie Miller, Sr.  
Sharon L. Johnson

Adella D. Miller, R.N.  
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Re: Permanent Certificate Numbers 578036 & 107814  
Issued to MELISSA ANN RICE  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of November, 20 09, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Melissa Ann Rice  
Route 2, Box 266A  
Newton, Texas 75966

BY:   
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD