

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 108638
ISSUED TO
LESA KAY MELBOSTAD

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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.
Patricia A. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Lesa Kay Melbostad
1102 N. 39th Street #5
Grand Forks, North Dakota 58203

During open meeting held in Austin, Texas, on March 18, 2008, 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 license to practice vocational 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 Number 108638, previously issued to LESA KAY MELBOSTAD, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 108638, previously issued to LESA KAY MELBOSTAD, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

Entered this 18th day of March, 2008.

TEXAS BOARD OF NURSING

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

CERTIFICATE OF SERVICE

I hereby certify that on the 20 day of March, 2008, 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):

Lesa Kay Melbostad
1102 N. 39th Street #5
Grand Forks, North Dakota 58203



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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 108638, Issued to §
LESA KAY MELBOSTAD, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LESA KAY MELBOSTAD, is a Vocational Nurse holding license number 108638, 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 January 18, 1991, Respondent's license to practice practical nursing in the State of North Dakota was issued the sanction of a REPRIMAND/CENSURE by the North Dakota Board of Nursing, Bismarck, North Dakota, based on a statement made by Respondent that she had practiced as a licensed practical nurse in North Dakota on January 2 and January 3, 1991, without having a current license in her possession. As a result, a letter of public reprimand was issued to Respondent and Respondent paid a \$50.00 renewal fee and a \$10.00 penalty fee. A copy of the North Dakota Board of Nursing Administrative Settle is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Article 4528c, section 10(9), TEX. REV. CIV. STAT. ANN.

CHARGE II.

On or about May 11, 2007, Respondent's license to practice practical nursing in the State of Minnesota was SUSPENDED by the Minnesota Board of Nursing, Minneapolis, Minnesota, based on the Board's receipt of a Notice of License Revocation from the Minnesota Commissioner of Revenue, dated April 16, 2007, advising that Respondent had an outstanding tax liability. A copy of the Minnesota Board of Nursing Order of Suspension 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)(8)&(10).

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.

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: Minnesota Board of Nursing Order of Suspension dated May 11, 2007.

Filed this 2nd day of January, 2008.

TEXAS BOARD OF NURSING



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. 00789585

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

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: Minnesota Board of Nursing Order of Suspension dated May 11, 2007

North Dakota Board of Nursing

919 South 7th Street
Suite 504
Bismarck, North Dakota
58504-5881



ADMINISTRATIVE SETTLEMENT

Telephone
NORTH DAKOTA (701) 224-2974
BOARD OF NURSING

Certified to be true and
correct copy of the original.

Date 11/9/07
Name Sally Bohmback

Re: Lesa Melbostad, L8018

Whereas, the North Dakota Board of Nursing (the "Board"), meeting in regular session, January 17, 1991, received an administrative settlement submitted by Lesa Melbostad, L.P.N., ("Licensee"), on January 16, 1991, by which Ms. Melbostad proposes to submit to the jurisdiction of the Board, consents to be disciplined for temporarily practicing nursing in the state of North Dakota without a license, waives her various rights to a hearing and consents to the order of the Board as set out in such administrative settlement; and

Whereas, in such administrative settlement, the Licensee states under oath that she practiced as a licensed practical nurse in North Dakota on January 2 and January 3, 1991, for a total of 2 days, without having in her possession a current license issued by the Board; and

Whereas, verification of the nursing practice was received from the employer of the Licensee; and

Whereas, the practice of nursing without a current valid license constitutes a violation of North Dakota Century Code 43-12.1-14, subjecting the Licensee to a penalty fee of \$5.00 per day for each day or portion of a day in which he/she practiced as such, and

Whereas, the Licensee has agreed to submit a renewal fee of \$50.00 and a penalty fee of \$10.00 and further agrees to accept a reprimand from the Board in lieu of a formal complaint and disciplinary hearing,

NOW THEREFORE, be it RESOLVED that the Board hereby enters the following order:

1. A penalty fee of \$10.00 and a renewal fee of \$50.00 is hereby assessed against the Licensee, which has been remitted to the Board by the Licensee on January 16, 1991.
2. The Board directs its Executive Director to issue a letter of public reprimand from the Board to the Licensee calling attention to the law regarding licensure of nurses and informing the Licensee that it is the Licensee's professional responsibility to personally be aware of and follow such laws that affect the Licensee's profession.
3. The payment by the Licensee of a current licensure fee for the year 1991 is hereby accepted.

Dated this 18 day of January, 19 91.

THE NORTH DAKOTA BOARD OF NURSING

By:

Manda Rose RN
President

Karen McDonald RN
Executive Director

BOARD OF NURSE EXAMINERS
333 GUADALUPE, SUITE 3-460
AUSTIN, TEXAS 78701

CERTIFIED MAIL™



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Handwritten signature

Lesa Kay Melbostad
1102 N. 39th Street #5
Grand Forks, North Dakota 58203

**RETURN RECEIPT
REQUESTED**

NIXIE 501 SE 1 06 01/14/08

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 78701394460 *0810-06499-09-41

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