

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 692791
ISSUED TO
M. MICHELLE NELSON

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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 P. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: M. Michelle Nelson
18240 Midway Rd. #1001
Dallas, Texas 75287

During open meeting held in Austin, Texas, on June 9, 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 license to practice 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 Number 692791, previously issued to M. MICHELLE NELSON, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 692791, previously issued to M. MICHELLE NELSON, 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 professional nursing in the State of Texas.

Entered this 9th day of June, 2009.

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 11th day of June, 2009, 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):

M. Michelle Nelson
18240 Midway Rd. #1001
Dallas, Texas 75287

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

**In the Matter of Permanent License
Number 692791, Issued to
M. MICHELLE NELSON, Respondent**

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**BEFORE THE TEXAS
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, M. MICHELLE NELSON, is a Registered Nurse holding license number 692791, 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 2, 2005 through January 19, 2005, while employed as a Registered Nurse with Parkland Health and Hospital System, Dallas, Texas, Respondent withdrew Hydrocodone/APAP 7.5/500 Elixir from the Medication Dispensing System (Pyxis) for patients in excess frequency/dosage of the physicians' orders, as follows:

Date	MR#	Physician's Order	Medication Dispensing System Record (Pyxis) Time and Quantity
01/02/05	3109892	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 @ 1:58 (1 Cup)
01/02/05	3109892	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 @ 2:00 (1 Cup)
01/07/05	3110266	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 @ 14:23 (2 Cups)
01/07/05	3110266	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 @ 17:11 (2 Cups)
01/12/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 @ 16:37 (2 Cups)
01/12/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 @ 18:13 (2 Cups)
01/14/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 @ 7:09 (2 Cups)
01/14/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 @ 09:30 (2 Cups)
01/16/05	1224144	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 @ 17:09 (2 Cups)
01/16/05	1224144	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 @ 18:39 (2 Cups)
01/19/05	51104	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 @ 10:30 (2 Cups)
01/19/05	51104	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 @ 13:13 (2 Cups)

Respondent's conduct was likely to injure the patients in that the administration of Hydrocodone/APAP 7.5/500 Elixir in excess frequency and/or dosage of the physician's order could result in the patient suffering from respiratory depression, and is in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(B)&(C)&(11)(B).

CHARGE II

On or about January 1, 2005 through January 21, 2005, while employed as a Registered Nurse with Parkland Health and Hospital System, Dallas, Texas, Respondent withdrew Hydrocodone/APAP 7.5/500 Elixir from the Medication Dispensing System (Pyxis), for patients, but failed to document or accurately document the administration of the medications in the patients' Medication Administration Records and/or Nurses' Notes, as follows:

Date	MR#	Physician's Order	Medication Dispensing System (Pyxis) Record Time and Quantity	Medication Administration Record/Medication Profile	Nurses Notes
01/01/05	3109892	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 19:31 (2 cups)	Not documented as given	Not documented as given
01/02/05	3109892	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 1:58 (2 cups)	Not documented as given	Not documented as given
01/02/05	3109892	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 2:00 (2 cups)	15-30 ml documented as given at 02:00	Not documented as given
01/07/05	3110266	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Cup 14:23 (2 cups)	15-30 ml documented as given at 14:00	Not documented as given
01/07/05	3110266	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Cup 17:11 (2 cups)	15-30 ml documented as given at 18:00	Not documented as given
01/09/05	3110266	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Cup 7:12 (2 cups)	15-30 ml documented as given at 08:00	Not documented as given
01/09/05	3110266	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Cup 11:01 (2 cups)	15 - 30 ml documented as given at 13:00	Not documented as given
01/12/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Cup 16:37 (2 cups)	See Note 1	Not documented as given
01/12/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Cup 18:13 (2 cups)	See Note 1	Not documented as given
01/14/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Cup 7:09 (2 cups)	Not documented as given	Not documented as given
01/14/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Cup 09:30 (2 cups)	Not documented as given	Documented as given at 08:00
01/14/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Cup 15:44 (2 cups)	Not documented as given	Not documented as given.
01/16/05	1224144	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Cup 17:09 (2 cups)	Not documented/See Note 2	Not available.
01/16/05	1224144	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Cup 18:39 (2 cups)	Not documented/See Note 2	Not available.

Date	MR#	Physician's Order	Medication Dispensing System (Pyxis) Record Time and Quantity	Medication Administration Record/Medication Profile	Nurses Notes
01/19/05	51104	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 13:13 (2 cups)	See Note 1	Not documented as given
01/21/05	3094302	Lortab Elixir 15ml q 6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 8:04 (2 cups)	15 - 30 ml documented as given at 08:00	Not documented as given
01/21/05	3112070	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 17:16 (2 cups)	Not available.	Not documented as given

NOTE 1: The time documented as given is not legible.

NOTE 2: The medication was not included on the MAR for 01/16/05, though the Medication Profile on 01/20/05 shows the medication was to start on 01/16/05 at 17:00.

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose and placed the hospital in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B)&(4)&(11)(B).

CHARGE III

On or about January 1, 2005 through January 21, 2005, while employed as a Registered Nurse with Parkland Health and Hospital System, Dallas, Texas, Respondent withdrew Hydrocodone/APAP 7.5/500 Elixir from the Medication Dispensing System (Pyxis), but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications, as follows:

Date	MR#	Physician's Order	Medication Dispensing System (Pyxis) Record Time and Quantity	Medication Administration Record/Medication Profile	Nurses Notes	Wastage
01/01/05	3109892	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 19:31 (2 cups)	Not documented as given	Not documented as given	None documented.
01/02/05	3109892	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 1:58 (2 cups)	Not documented as given	Not documented as given	None documented.
01/07/05	3110266	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 14:23 (2 cups)	15-30 ml documented as given at 14:00	Not documented as given	None documented.
01/07/05	3110266	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 17:11 (2 cups)	15-30ml documented as given at 18:00	Not documented as given	None documented.

Date	MR#	Physician's Order	Medication Dispensing System (Pyxis) Record Time and Quantity	Medication Administration Record/Medication Profile	Nurses Notes	Wastage
01/09/05	3110266	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 7:12 (2 cups)	15-30ml documented as given at 08:00	No documentation of pain	None documented.
01/12/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 16:37 (2 cups)	See Note 1	Not documented as given	None documented.
01/12/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 18:13 (2 cups)	See Note 1	Not documented as given	None documented.
01/14/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 7:09 (2 cups)	Not documented as given	Not documented as given	None documented.
01/14/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 09:30 (2 cups)	Not documented as given	15-30ml documented as given at 08:00	None documented.
01/14/05	271477	Lortab Elixir 15-30 ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 15:44 (2 cups)	Not documented as given	Not documented as given.	None documented.
01/16/05	1224144	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 17:09 (2 cups)	Not documented/See Note 2	Not available.	None documented.
01/16/05	1224144	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 18:39 (2 cups)	Not documented/See Note 2	Not available.	None documented.
01/19/05	51104	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 10:30 (2 cups)	See Note 1	Not documented as given	None documented.
01/19/05	51104	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 13:13 (2 cups)	See Note 1	Not documented as given	None documented.
01/21/05	3094302	Lortab Elixir 15ml q 6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 8:04 (2 cups)	15-30ml documented as given at 08:00	Not documented as given	None documented.
01/21/05	3112070	Lortab Elixir 15-30ml q4-6hrs prn pain	Hydrocodone/APAP 7.5/500 Elixir 17:16 (2 cups)	Not available.	Not documented as given	None documented.

NOTE 1: The time documented as given is not legible.

NOTE 2: The medication was not included on the MAR for 01/16/05, though the Medication Profile on 01/20/05 shows the medication was to start on 01/16/05 at 17:00.

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(10)(C)&(11)(B).

CHARGE IV

On or about January 1, 2005 through January 21, 2005, while employed as a Registered Nurse with Parkland Health and Hospital System, Dallas, Texas, Respondent misappropriated Hydrocodone/APAP 7.5/500 Elixir from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(6)(G).

CHARGE V

On or about January 21, 2005, while employed as a Registered Nurse with Parkland Health and Hospital System, Dallas, Texas, Respondent engaged in the intemperate use of Marijuana in that Respondent produced a specimen for a drug screen which resulted positive for Marijuana Metabolites. Possession of Marijuana, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Marijuana by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(5),(10)(A)&(D)&(11)(B).

CHARGE VI

On or about October 17, 2005, while employed as a Registered Nurse with Parkland Health and Hospital System, Dallas, Texas, Respondent engaged in the intemperate use of Alcohol in that Respondent produced a specimen for a drug screen which resulted positive for Ethyl Glucuronide (ETG). The use of alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (1)(A)&(B),(4),(5)&(10)(A).

CHARGE VII

On or about April 16, 2007, while employed as a Registered Nurse with Timberlawn Mental Health System, Dallas, Texas, Respondent engaged in the intemperate use of Amphetamines, in that Respondent produced a specimen for a drug screen which resulted positive for Amphetamines. Possession of Amphetamines, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Amphetamines by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (1)(A)&(B),(4),(5),(10)(A)&(D)&(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).

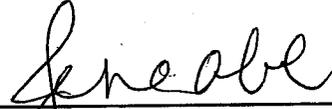
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, Lying and Falsification, and Fraud, Theft & Deception which can be found at the Board's website, www.bon.state.tx.us.

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Filed this 30th day of March, 2009.

TEXAS BOARD OF NURSING



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

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TEXAS BOARD OF NURSING

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