



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License §
Number 660328 and Vocational Nurse § AGREED
License Number 160311, issued to § ORDER
MELISSA L. DALRYMPLE §

On this day the Board of Nurse Examiners for the State of Texas, hereinafter refer to as the Board, considered the matter of MELISSA L. DALRYMPLE, Registered Nurse License Number 660328 and Vocational Nurse License Number 160311, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)(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 August 21, 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 and holds a license to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Tyler Junior College, Tyler, Texas, on August 9, 1996, and an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas, on May 1, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on October 21, 1996, and was licensed to practice professional nursing in the State of Texas on June 10, 1999.

5. Respondent's professional nursing employment history includes:

08/96 - 05/99	GVN/LVN Staff Nurse
06/99 - 11/99	RN Staff Nurse East Texas Medical Center Tyler, Texas
11/99 - 08/00	Staff Nurse - Day Surgery Medical Center of Arlington Arlington, Texas
08/00 - 11/02	Staff Nurse/Travel Nurse StarMed Travcorps Madison, Wisconsin
12/02 - 06/04	Staff Nurse - CVICU Stepdown Unit Presbyterian Hospital of Dallas Dallas, Texas
8/04 - 03/05	Staff Nurse - Emergency Department Lake Pointe Medical Center Rowlett, Texas
03/05 - 09/05	Staff Nurse - Emergency Department Albuquerque Regional Medical Center West Mesa, Arizona
10/05 - 11/05	Staff Nurse East Texas Medical Center Tyler, Texas
12/05 - 03/07	Staff Nurse Valley Regional Medical Center Brownsville, Texas
05/07 - 07/07	Staff Nurse/PCU Harlingen Medical Center Harlingen, Texas
07/07 - Present	Unknown

6. On July 9, 2007, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required Respondent to successfully complete the Texas Peer Assistance Program for Nurses. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated July 9, 2007, is attached and incorporated by reference as part of this Order.
7. At the time of the incidents, Respondent was employed as a Staff Nurse with Harlingen Medical Center, Harlingen, Texas, and had been in this position for two (2) months.
8. On or about July 30, 2007, while employed with Harlingen Medical Center, Harlingen, Texas, Respondent withdrew Hydromorphone (Dilaudid) from the Pyxis Medication Dispensing System for patients but failed to document the administration of the medication in the patients' Medication Administration Record (MAR), as follows:

Date/Time	Patient	Physician's Order	Pyxis Record	MAR	Wastage
7/30/07 @0635	106851	Dilaudid 0.5ng-1mg every 6 hours PRN	Dilaudid 4mg/1ml	No	None
7/30/07 @0730	106851	Dilaudid 0.5ng-1mg every 6 hours PRN	Dilaudid 4mg/1ml	No	None
7/30/07 @0944	108854	No physician's order	Dilaudid 4mg/1ml	No	None
7/30/07 @1022	108854	No physician's order	Dilaudid 4mg/1ml	No	None
7/30/07 @1528	108854	No physician's order	Dilaudid 4mg/1ml	No	None
7/30/07 @1551	108854	No physician's order	Dilaudid 4mg/1ml	No	None
7/30/07 @1817	108854	No physician's order	Dilaudid 4mg/1ml	No	None

9. On or about July 30, 2007, while employed with Harlingen Medical Center, Harlingen, Texas, Respondent faxed a physician's order to the pharmacy for Dilaudid 0.5mg-1mg IV every four (4) hours as needed for severe low back pain for Patient Medical Record Number 108854, which was not authorized by the physician and was not found in the patient's medical record. Respondent then withdrew a total of twenty (20) mgs of Dilaudid from the Pyxis Medication Dispensing System for the patient. Respondent's conduct was likely to deceive the pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). Respondent's conduct was also likely to defraud the facility and patient of the cost of the medication.
10. On or about July 30, 2007, while employed with Harlingen Medical Center, Harlingen, Texas, Respondent misappropriated Dilaudid belonging to the facility and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.

11. On or about July 30, 2007, while employed with Harlingen Medical Center, Harlingen, Texas, Respondent engaged in the intemperate use of Dilaudid in that Respondent admitted to misappropriation of Dilaudid for her own use. Possession of Dilaudid is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Dilaudid by a 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.
12. On August 21, 2007, Respondent contacted the Board staff and admitted to the relapse. Respondent states that she completed a treatment program and thought she was ready to go back to work. She was in the process of initiating the TPAPN program under the Board Order issued on July 9, 2007, and she requests that she be allowed to participate in the program.
13. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
14. 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.
15. Respondent's conduct described in Findings of Fact Number Eight (8) through Eleven (11) resulted from Respondent's impairment by dependency on chemicals.
16. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(9)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)(D) and 217.12(6)(A)(G),(8),(10)(A)(B)(E)&(11)(B).
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 660328 and Vocational Nurse License Number 160311, heretofore issued to MELISSA L. DALRYMPLE, including revocation of Respondent's licenses to practice professional and vocational nursing in the State of Texas.

5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to MELISSA L. DALRYMPLE, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§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 license is encumbered by this Order, Respondent 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 Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

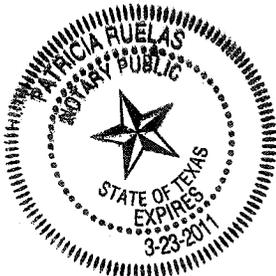
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, and 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 license to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

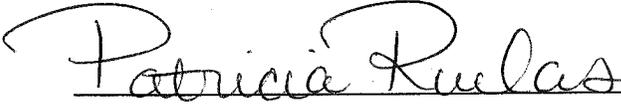
Signed this 3rd day of October, 2007.


MELISSA L. DALRYMPLE, Respondent

Sworn to and subscribed before me this 3rd day of October, 2007.

SEAL




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 accept and enter the Agreed Order that was signed on the 3rd day of October, 2007, by MELISSA L. DALRYMPLE, Registered Nurse License Number 660328 and Vocational Nurse License Number 160311, and said Order is final.

Entered and effective this 9th day of October, 2007.



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



BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse License	§	AGREED
Number 160311 and Registered Nurse	§	
License Number 660328	§	
issued to MELISSA L. DALRYMPLE	§	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 L. DALRYMPLE, Vocational Nurse License Number 160311 and Registered Nurse License Number 660328, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10) & (13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on May 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 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 holds a license to practice vocational nursing which is in Delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Tyler Junior College, Tyler, Texas, on August 9, 1996, and an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas, on May 1, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on October 21, 1996, and professional nursing on June 10, 1999.

5. Respondent's nursing employment history includes:

- | | |
|----------------|---|
| 8/96 - 5/99 | GVN/LVN Staff Nurse |
| 6/99 - 11/99 | RN Staff Nurse
East Texas Medical Center
Tyler, Texas |
| 11/99 - 8/00 | Staff Nurse - Day Surgery
Medical Center of Arlington
Arlington, Texas |
| 8/00 - 11/02 | Staff Nurse/Travel Nurse
StarMed Travcorps
Madison, Wisconsin |
| 12/02 - 6/04 | Staff Nurse - CVICU Stepdown Unit
Presbyterian Hospital of Dallas
Dallas, Texas |
| 8/04 - 3/05 | Staff Nurse - Emergency Department
Lake Pointe Medical Center
Rowlett, Texas |
| 3/05 - 9/05 | Staff Nurse - Emergency Department
Albuquerque Regional Medical Center
West Mesa, Arizona |
| 10/05 - 11/05 | Staff Nurse
East Texas Medical Center
Tyler, Texas |
| 12/05 - 3/07 | Staff Nurse
Valley Regional Medical Center
Brownsville, Texas |
| 4/07 - present | Unknown |

6. At the time of the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent was utilizing her multi state compact licensure privilege associated with her license to practice professional nursing in the State of Texas and employed with West Mesa Medical Center, Albuquerque, New Mexico, and had been in this position for five (5) months.

7. On or about August 16, 2005 through September 1, 2005, while utilizing her multi state compact licensure privilege associated with her license to practice professional nursing in the State of Texas and employed with West Mesa Medical Center, Albuquerque, New Mexico, Respondent withdrew Demerol, Dilaudid and Morphine for patients from the medication dispensing system, but failed to document its administration in the patients' Medication Administration Record or Nurses Notes. Respondent's conduct was likely to injure patients in that subsequent caregivers would have relied on her documentation to further medicate patients which could result in over-medication.
8. On or about August 16, 2005 through September 1, 2005, while utilizing her multi state compact licensure privilege associated with her license to practice professional nursing in the State of Texas and employed with West Mesa Medical Center, Albuquerque, New Mexico, Respondent withdrew Demerol, Dilaudid and Morphine for patients in excess of physicians' orders. Respondent's conduct was likely to injure patients in that the administration of Demerol, Dilaudid and Morphine in excess of physicians' orders could result in patients suffering from respiratory depression and is in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
9. On or about August 16, 2005 through September 1, 2005, while utilizing her multi state compact licensure privilege associated with her license to practice professional nursing in the State of Texas and employed with West Mesa Medical Center, Albuquerque, New Mexico, Respondent withdrew Demerol, Dilaudid and Morphine for patients but failed to follow the policy and procedure for wastage of any unused portions of the medications. Respondent's conduct placed the hospital in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. At the time of the incidents in Findings of Fact Numbers Eleven (11) through Twelve (12), Respondent was employed as a Staff Nurse with East Texas Medical Center, Tyler, Texas, and had been in this position for one (1) month.
11. On October 1, 2005 through November 18, 2005, while employed as a Staff Nurse with East Texas Medical Center, Tyler, Texas, Respondent withdrew Morphine for patients in excess of physicians' orders. Respondent's conduct was likely to injure patients in that the administration of excessive Morphine could result in patients suffering from respiratory depression and is in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
12. On October 1, 2005 through November 18, 2005, while employed as a Staff Nurse with East Texas Medical Center, Tyler, Texas, Respondent withdrew Morphine for patients but failed to follow the policy and procedure for wastage of any unused portions of the medication. Respondent's conduct placed the hospital in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

13. At the time of the incidents in Findings of Fact Numbers Fourteen (14) through Seventeen (17), Respondent was employed as a Staff Nurse with Valley Regional Medical Center, Brownsville, Texas, and had been in this position for three (3) months.
14. While employed with Valley Regional Medical Center, Brownsville, Texas, Respondent wrote an unauthorized physician's order for Morphine. Respondent's conduct was deceiving and in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
15. While employed with Valley Regional Medical Center, Brownsville, Texas, Respondent withdrew Morphine from the medication dispensing system for patients without valid physicians' orders. Respondent's conduct was likely to injure patients in that the administration of Morphine without a physician's order could result in patients suffering from respiratory depression and is in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
16. While employed with Valley Regional Medical Center, Brownsville, Texas, Respondent withdrew Morphine from the medication dispensing system for patients but failed to document its administration in the patients' Medication Administration Record or Nurses Notes. Respondent's conduct was likely to injure patients in that subsequent caregivers would have relied on her documentation to further medicate patients which could result in over-medication.
17. While employed with Valley Regional Medical Center, Brownsville, Texas, Respondent withdrew Morphine from the medication dispensing system for patients but failed to follow the policy and procedure for wastage of any unused portions of the medication. Respondent's conduct placed the hospital in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
18. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
19. 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.
20. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Seventeen (17) resulted from Respondent's dependency on chemicals.
21. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B)(C)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(B) & (C), (4), (6)(H), (10)(B) & (C) & (11)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 160311 and Registered Nurse License Number 660328, heretofore issued to MELISSA L. DALRYMPLE, including revocation of Respondent's licenses to practice vocational and professional nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

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

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§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 license is encumbered by this Order, Respondent 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 Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's licenses and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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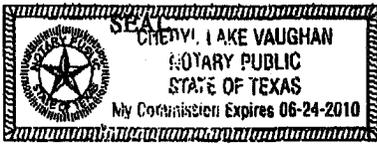
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, and 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 vocational and professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21st day of June, 2007.

Melissa Dalrymple
MELISSA L. DALRYMPLE, Respondent

Sworn to and subscribed before me this 21st day of June, 2007.



Cheryl Lake Vaughan
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Louis Leichter
Louis Leichter, Attorney for Respondent

Signed this 2 day of July, 2007

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 9th day of July, 2007; by MELISSA L. DALRYMPLE, Vocational Nurse License Number 160311 and Registered Nurse License Number 660328, and said Order is final.

Entered and effective this 9th day of July, 2007.


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