

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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



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

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, 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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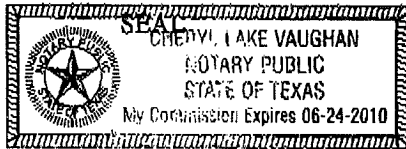
RESPONDENT'S CERTIFICATION

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 21<sup>st</sup> day of June, 2007.

*Melissa Dalrymple*  
MELISSA L. DALRYMPLE, Respondent

Sworn to and subscribed before me this 21<sup>st</sup> day of June, 2007.



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

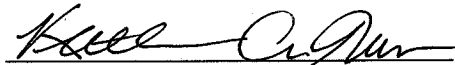
Approved as to form and substance.

*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