

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number § AGREED
555985 issued to MELINDA FAYE WALLACE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MELINDA FAYE WALLACE, Registered Nurse License Number 555985, 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 January 30, 2008, 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.
4. Respondent received an Associate Degree from Alvin Community College, Alvin, Texas, on May 18, 1989. Respondent was licensed to practice professional nursing in the State of Texas on August 25, 1989.
5. Respondent's complete professional nursing employment history includes:

8/89-5/91

Staff RN

St. Luke's Episcopal Hospital
Houston, Texas

Respondent's complete professional nursing employment history continued:

6/91-2/97	Head RN	Columbia Alvin Medical Center Alvin, Texas
4/97-8/97	Director of Skilled Nursing	The Specialty Hospital of Houston Houston, Texas
9/97-3/98	Director of Youth Services	West Oaks Hospital Houston, Texas
4/98-10/98	Nurse Manager	Bayshore Medical Center Pasadena, Texas
11/98-2/99	Unknown	
3/99-5/00	Staff Nurse II	Seton Medical Center Austin, Texas
6/00-12/01	Unknown	
1/02-1/06	Staff RN	Memorial Hermann Northwest Hospital Houston, Texas
2/06-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Memorial Hermann Northwest Hospital, Houston, Texas, and had been in this position for approximately three (3) years and nine (9) months.
7. On or about October 12, 2005, while employed with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent withdrew Demerol from the Pyxis Medication Dispensing System for Patient Medical Record Number 372022645273, but failed to completely and accurately document the administration of the medications in the patient's Medication Administration Records (MARs) and/or Nurses Notes as follows:

Date/ Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
10/12/05 00:40	372022645273 (DH)	Demerol 50mg	Demerol 50mg IM Q 3hrs pain PRN	NO	00:30 doc. no distress or pain by LS	NO

Date/ Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
10/12/05 06:19	372022645273 (DH)	Demerol 50mg	Demerol 50mg IM Q 3hrs pain PRN	NO	NO	NO

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

- On or about October 12, 2005, while employed with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent withdrew Demerol from the Pyxis Medication Dispensing System for Patient Medical Record Number 372022645273, but failed to follow the policy and procedure for the wastage of the medication as follows:

Date/ Time	Patient #	Medication	Physician's Order	MAR	Nurses Notes	Wastage
10/12/05 00:40	372022645273 (DH)	Demerol 50mg	Demerol 50mg IM Q 3hrs pain PRN	NO	00:30 doc. no distress or pain by LS	NO
10/12/05 06:19	372022645273 (DH)	Demerol 50mg	Demerol 50mg IM Q 3hrs pain PRN	NO	NO	NO

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).

- On or about October 12, 2005, while employed with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent misappropriated Demerol belonging to 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.
- Respondent denies all allegations regarding the inappropriate and unauthorized withdrawal of medications from the Pyxis medication dispensing system, improperly wasting and charting the administration of said drugs to patients.

CONCLUSIONS OF LAW

- Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
- Notice was served in accordance with law.
- The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B)(D), and 22 TEX.

ADMIN. CODE §217.12(6)(G),(10)(C)&(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 555985, heretofore issued to MELINDA FAYE WALLACE, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, 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 privilege, if any, to practice professional 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 that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to MELINDA FAYE WALLACE to the office of the Texas Board of Nursing 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.bon.state.tx.us/about/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights

of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.bon.state.tx.us/about/stipscourses.html>.*

(4) 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.bon.state.tx.us/about/stipscourses.html>

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

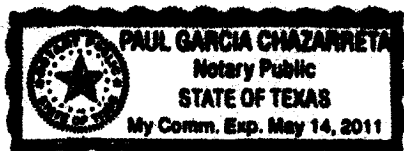
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20th day of Feb., 2008.

Melinda Faye Wallace
MELINDA FAYE WALLACE, Respondent

Sworn to and subscribed before me this 20th day of February, 2008.

SEAL



[Signature]
Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]
LOUIS LEICHTER, Attorney for Respondent

Signed this 25 day of Feb, 2008.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 20th day of February, 2008, by MELINDA FAYE WALLACE, Registered Nurse License Number 55985, and said Order is final.

Effective this 26th day of February, 2008.



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