

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 687841 § AGREED
issued to MELISA LYNN BELL § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 687841, issued to MELISA LYNN BELL, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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, 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 in Nursing from Blinn College, Bryan, Texas, on May 6, 2002. Respondent was licensed to practice professional nursing in the State of Texas on July 16, 2002.
5. Respondent's employment history is unknown.
6. On or about September 12, 2006, Respondent entered a plea of No Contest and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on January 15, 2006), in the County Court at Law No. 2, Ellis County, Texas, under Cause No. 0610964CR. As a result of the conviction, Respondent was sentenced to

confinement in the Ellis County Jail for a period of one hundred eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.

7. On or about September 12, 2006, Respondent entered a plea of Nolo Contendere to ESCAPE FROM CUSTODY, (a Class A misdemeanor offense committed on January 15, 2006), in the County Court at Law of Ellis County, Texas, under Cause No. 0610966CR. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of three hundred sixty-five (365) days. Respondent was required to spend one (1) day in the Ellis County Detention Center (with one (1) day credit given for time already spent in jail). Additionally, Respondent was ordered to pay a fine and court costs.
8. On or about September 8, 2006, Respondent entered a plea of Guilty to EVADING ARREST WITH VEHICLE, (a State Jail Felony offense committed on January 15, 2006), in the 40th Judicial District Court of Ellis County, Texas, under Cause No. 30692CR. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay a fine and court costs.
9. Respondent indicates she has charges pending for the misdemeanor offense of Theft Under Fifty in the Arlington Municipal Court, Arlington, Texas. She had a scheduled court date of September 17, 2007. The disposition has been requested.
10. On or about April 20, 2007, Respondent submitted a written statement related to Findings of Fact numbers Six, Seven and Eight (6, 7 & 8), in which she stated "At the time of the incident, January 15 & 16, 2006, I was working nights. I had worked the night before (14th) and was going to a friend's party. I arrived at the club where the party was being held at 1:30 am. While I was there I had two eight-ounce drinks. Unfortunately, when I got the second one my friend wanted to go dance so I set my drink down on our table where I thought it would be safe. The next morning, I woke up in jail. I did not know how I got there or why I felt so ill. When I went to see the judge that morning, I was told that I had been charged with evading arrest with a motor vehicle, assault, coercion of a public servant, escape from custody, and DWI. I was completely shocked. The night this happened, whatever was in my system made me act extremely out of character. However, I had no way of proving that anything had been put into my drink because I had refused all tests that night."
11. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

12. 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.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, 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)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 687841, heretofore issued to MELISA LYNN BELL, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered License Number 687841, heretofore issued to MELISA LYNN BELL, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to MELISA LYNN BELL, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, 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. 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 this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 25th day of April, 2008.

Melissa Bell
MELISA LYNN BELL, Respondent

Sworn to and subscribed before me this 25 day of April, 2008.



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

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 687841, previously issued to MELISA LYNN BELL.

Effective this 1st day of May, 2008.



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