



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.  
*Melanie P. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse §  
License Number 663723 §  
issued to MELANIE KOCH GORDON §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 663723, issued to MELANIE KOCH GORDON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Baccalaureate Degree in Nursing from Northwestern State University, Shreveport, Louisiana, in May 1994. Respondent was licensed to practice professional nursing in the State of Texas in August 1999.
4. Respondent's professional nursing employment history includes:

1993 - 1994	Staff Nurse	Louisiana State University Medical Center Shreveport, Louisiana
1994 - 1996	Staff Nurse	LifeCare Hospitals, Inc. Shreveport, Louisiana

Respondent's professional nursing employment history continued:

1996 - 1998	Agency Nurse	Olsten Nursing Agency Shreveport, Louisiana
		American Nursing Agency Shreveport, Louisiana
		Lifeline Nursing Agency Shreveport, Louisiana
1998 - 1999	Staff Nurse	Louisiana State University Medical Center Shreveport, Louisiana
7/00 - 10/00	Staff Nurse	Azalea Sleep Center Tyler, Texas
10/00 - present	Not employed in nursing	

5. On May 12, 2000, Respondent was issued an Agreed Order by the Texas Board of Nursing requiring her to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the May 12, 2000, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On June 19, 2001, Respondent was issued an Agreed Order by the Texas Board of Nursing requiring her to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the June 19, 2001, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On December 31, 2004, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the December 31, 2004, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
8. On December 11, 2006, Respondent's license to practice professional nursing in the State of Texas was Reinstated. A copy of the Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
9. Formal Charges were filed on September 29, 2010. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
10. Formal Charges were mailed to Respondent on October 4, 2010.

11. On February 24, 2011, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated February 19, 2011, is attached and incorporated, by reference, as part of this Order.
12. 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.
13. 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)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) & (D) and (11)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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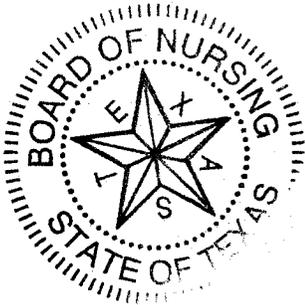
ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 663723, heretofore issued to MELANIE KOCH GORDON, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of 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.
2. 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.
3. 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 nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Effective this 28th day of March, 2011.



TEXAS BOARD OF NURSING

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

In the Matter of Permanent License § BEFORE THE TEXAS  
Number 663723, Issued to §  
MELANIE KOCH GORDON, Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MELANIE KOCH GORDON, is a Registered Nurse holding license number 663723, which is in current 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 October 22, 2009, while employed with Fresenius Medical Care, Tyler, Texas, Respondent engaged in the intemperate use of Cocaine in that she produced a specimen for a drug screen which resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine 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)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A) & (D).

#### CHARGE II.

On or about October 22, 2009, while employed with Fresenius Medical Care, Tyler, Texas, Respondent failed to comply with the Reinstatement Agreed Order issued to her on December 11, 2006, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Seventeen (17) of the Agreed Order which states, in pertinent part:

(17) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose....

A copy of the December 11, 2006, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

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

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to 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 Section 301.461, Texas Occupations Code. 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](http://www.bon.state.tx.us).

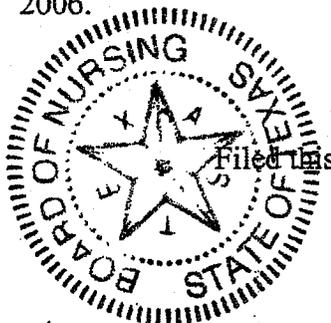
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

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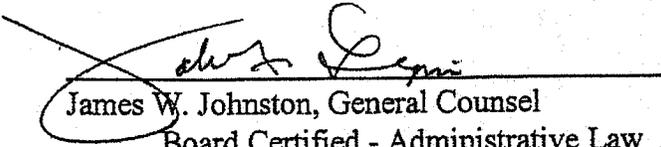
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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated May 12, 2000, Agreed Order issued June 19, 2001, and Reinstatement Agreed Order issued December 11, 2006.



Filed this 29th day of September, 2010.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
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Attachments: Agreed Order dated May 12, 2000.  
Agreed Order dated June 19, 2001.  
Reinstatement Agreed Order dated December 11, 2006.

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BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse           §  
License Number 663723                       §                 REINSTATEMENT  
issued to MELANIE KOCH GORDON           §                 AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 663723, held by MELANIE KOCH GORDON, hereinafter referred to as Petitioner.

An informal conference was held on October 3, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, MSN, RN, Director of Nursing Practice, Executive Director's Designee; Virginia Campbell, BSN, RN, Board Member; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Peggy Penn, RN, Nursing Consultant; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.

3. Petitioner received a Baccalaureate Degree in Nursing from Northwestern State University, Shreveport, Louisiana, in May 1994. Petitioner was originally licensed to practice professional nursing in the State of Texas in August 1999.

4. Petitioner's professional nursing employment history includes:

1993 - 1994	Staff Nurse	Louisiana State University Medical Center Shreveport, Louisiana
1994 - 1996	Staff Nurse	LifeCare Hospitals, Inc. Shreveport, Louisiana
1996 - 1998	Agency Nurse	Olsten Nursing Agency Shreveport, Louisiana  American Nursing Agency Shreveport, Louisiana  Lifeline Nursing Agency Shreveport, Louisiana
1998 - 1999	Staff Nurse	Louisiana State University Medical Center Shreveport, Louisiana
7/00 - 10/00	Staff Nurse	Azalea Sleep Center Tyler, Texas
10/00 - present	Not employed in nursing	

5. On May 12, 2000, Petitioner was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas requiring her to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the May 12, 2000, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

6. On June 19, 2001, Petitioner was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas requiring her to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the June 19, 2001, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. On December 31, 2004, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the December 31, 2004, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as a part of this Order.
8. On or about May 30, 2006, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
9. Petitioner presented the following in support of her petition:
  - 9.1. Judgment and Community Supervision Order, dated October 13, 2003, indicating Petitioner plead "Guilty" to the charge of "Resisting Arrest" in the County Court at Law of Smith County, Texas. Petitioner received Deferred Adjudication and Community Supervision for One Hundred Eighty (180) days.
  - 9.2. Order Discharging Defendant from Community Supervision, issued June 8, 2004, in the County Court of Law of Smith County, Texas.
  - 9.3. Letter, dated February 14, 2006, from Patrick E. Sewell, MD, Adult Psychiatry, Shreveport, Louisiana, states Petitioner's current medication is Lexapro 10mg a day. She is euthymic and has adjusted to a separation and pending divorce from her husband, and is coping with living alone. Petitioner's previous drug use indicates she did abuse the prescription medications provided to her for a period of time. However, that is over with currently and she is completely drug free. Petitioner is attending rehabilitation on weekends in Dallas periodically and continues to see Dr. Sewell. She is more settled and accepting in her attachment process in relationships with others. She is resolved and at peace with the nature of her developmental experience and has given up a great deal of the reactivity and attachments that previously characterized her process. She is a strong and accurate self-observer now and is out of any sense of victimization except for rare instances. All these changes make it much more likely that she will be able to both remain sober, but also to integrate in a favorable manner in any work environment she finds herself. Dr. Sewell has abandoned the previous diagnosis of Bipolar Disorder in light of the previously obscure impact of drug use on her mood changes. Otherwise her diagnosis remains the same. Her one (1) year sobriety will be May 21, 2006.
  - 9.4. Letter of support from Trudy Hoofman, Tyler, Texas, states that she has been a member of Narcotics Anonymous for eighteen (18) years, and during her membership, she has had an opportunity to meet a lot of different people from all walks of life. Ms. Hoofman has known Petitioner for quite some time and it has been a great honor to work with her and to get to know her on a personal level. Ms. Hoofman has been Petitioner's sponsor since she first came to the home group in Tyler, Texas. Ms. Hoofman has seen Petitioner go to great lengths throughout her

recovery and she is very proud of her. Ms. Hoofman has also been Petitioner's sponsor in Pathways, a program started by Dr. Phil McGraw. Petitioner has worked diligently and steadfastly over the past nine (9) months and has been a great asset to the program.

- 9.5. Letter of support, dated January 24, 2006, from James Gordon, CFNP, Tyler, Texas, states he and Petitioner are divorced, but remain close friends. Over the last few years, Petitioner has struggled with many personal issues and has continued to work through these problems. She has submitted to drug screens for the last several years and has attended private counseling. Mr. Gordon can say without reservation that he can see that Petitioner has changed her life and has an extraordinary desire to continue with her self-improvement. She has established a support system to help her through her everyday life. Because of their close relationship, and as a nursing professional, Mr. Gordon feels that Petitioner is no longer impaired and is safe to practice as a registered nurse in a safe manner. Having worked with her in a professional setting, Mr. Gordon knows Petitioner is an excellent registered nurse and feels that allowing her to resume her nursing profession will give further support to her continued improvement.
- 9.6. Letter of support, dated February 7, 2006, from Kathleen Van Every, Weatherford, Texas, states she met Petitioner through the Dallas-based life style management program called Pathways. When Ms. Van Every first met Petitioner, she was reserved and struggling to identify and ultimately make the changes that would address her disease of addiction. Ms. Van Every witnessed Petitioner demonstrate tremendous tenacity and courage which allowed her to openly and honestly deal with the self-destructive behaviors she previously engaged in. The change in her has been remarkable and indelible. Petitioner has emerged through this training as a woman who accepts responsibility for her actions and has successfully used the tools learned through Pathways. Ms. Van Every knows Petitioner to be honest, responsible, and a woman of great character who would absolutely deserve an opportunity to continue to serve her profession.
- 9.7. Documentation of negative drug screens collected monthly from June 2005, through August 2006.
- 9.8. Documentation of support group attendance dating from January 2005, through May 2006.
- 9.9. Documentation of twenty (20) Type I Continuing Education contact hours.
10. Petitioner gives May 21, 2005, as her date of sobriety.

### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

### ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of MELANIE KOCH GORDON, Registered Nurse License Number 663723, to practice professional nursing in the State of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, 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 the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice professional nursing in the State of Texas

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board.

(2) PETITIONER SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(4) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course content shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 80-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(5) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(6) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to MELANIE KOCH GORDON, shall be subject to the following agreed post-licensure stipulations:

(7) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER 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 PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses can be found on the Board's website [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).*

(8) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing ethics. PETITIONER 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) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify

PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).*

**IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(9) PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(10) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

(11) For the first year of employment as a Registered Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by

a nurse registry, temporary nurse employment agency, hospice, home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(12) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(13) PETITIONER SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a professional nurse.

(14) PETITIONER SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(15) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional nurse.

(16) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional nurse.

(17) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(18) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(19) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the PETITIONER's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until PETITIONER is dismissed from therapy.

(20) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER 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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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

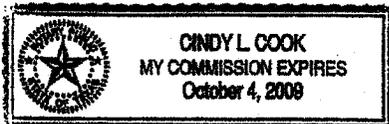
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the State of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 6<sup>th</sup> day of November, 2006.

Melanie Koch Gordon  
MELANIE KOCH GORDON, Petitioner

Sworn to and subscribed before me this 6<sup>th</sup> day of November, 2006.

SEAL



Cindy L. Cook  
Notary Public in and for the State of Texas

WHEREFOR, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 6th day of November, 2006, by MELANIE KOCH GORDON, Registered Nurse License Number 663723, and said Order is final.

Effective this 11th day of December, 2006.



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 License Number 663723    §    AGREED  
issued to MELANIE KOCH GORDON       §    ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that MELANIE KOCH GORDON, hereinafter referred to as Respondent, License Number 663723, may have violated Section 301.452(b)(1), Texas Occupations Code.

An informal conference was held on November 15, 2004, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Joyce Adams, PhD, RN, Board Member; Carol Marshall MSN, RN, Lead Nurse Consultant, Executive Director's Designee; James W. Johnston, General Counsel; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Diane E. Burell, Investigator.

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, notice and hearing, and consented to the entry of this Order.
3. Respondent's license to practice professional nursing in Texas is in delinquent status.

4. Respondent received a Baccalaureate Degree in Nursing from Northwestern State University, Shreveport, Louisiana, in May 1994. Respondent was licensed to practice professional nursing in the State of Texas in August 1999.

5. Respondent's professional employment history includes:

1993 - 1994	Staff Nurse	Louisiana State University Medical Center Shreveport, Louisiana
1994 - 1996	Staff Nurse	LifeCare Hospitals, Inc. Shreveport, Louisiana
1996 - 1998	Staff Nurse	Olsten Nursing Agency, Shreveport, Louisiana American Nursing Agency, Shreveport, Louisiana Lifeline Nursing Agency, Shreveport, Louisiana
1998 - 1999	Staff Nurse	Louisiana State University Medical Center Shreveport, Louisiana
7/00 - 10/00	Staff Nurse	Azalea Sleep Center Tyler, Texas
10/00 - present	Not employed in nursing	

6. On or about May 12, 2000, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required her to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the May 12, 2000, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as part of this Order.

7. On or about June 19, 2001, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required her to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the June 19, 2001, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as part of this Order.

8. Formal Charges were filed on June 21, 2004. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
9. Formal Charges were mailed to Respondent on June 23, 2004.
10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.
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 a violation of Section 301.452(b)(1), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 663723, heretofore issued to MELANIE KOCH GORDON, including revocation of Respondent's professional 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, 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

IT IS THEREFORE AGREED and ORDERED, that the VOLUNTARY SURRENDER of License Number 663723, heretofore issued to MELANIE KOCH GORDON to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners.

In connection with this acceptance, the Board imposes the following conditions:

1. 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.
2. 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.
3. 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 licensure privilege, if any, to practice professional nursing in the State of Texas.

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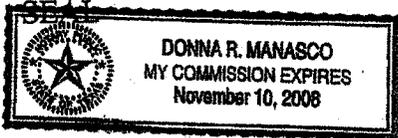
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation 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 27 day of Dec, 2004.

Melanie Koch Gordon  
MELANIE KOCH GORDON, Respondent

Sworn to and subscribed before me this 27<sup>th</sup> day of December, 2004.



Donna R. Manasco  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of nursing License Number 663723, previously issued to MELANIE KOCH GORDON.

Effective this 31st day of December, 2004.

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

In the Matter of Permanent License § BEFORE THE BOARD  
Number 663723, Issued to § OF NURSE EXAMINERS  
MELANIE KOCH GORDON, Respondent § FOR THE STATE OF TEXAS

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MELANIE KOCH GORDON, is a Registered Nurse holding license number 663723, 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.

Respondent failed to comply with the Agreed Order issued to her on June 19, 2001, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with Stipulation Number Three (3) of the Agreed Order which states, in pertinent part:

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

A copy of the June 19, 2001, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes a violation of Section 301.452(b)(1), Texas Occupations Code.

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NOTICE IS GIVEN that staff will present evidence in support of any recommended disposition of this matter pursuant to the factors stated in the Board's rule regarding penalty/sanction factors, 22 TEX. ADMIN. CODE, Section 213.33.

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.bne.state.tx.us](http://www.bne.state.tx.us).

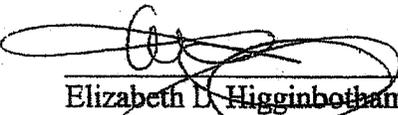
NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated May 12, 2000, and Agreed Order dated June 19, 2001.

Filed this 21<sup>st</sup> day of June, 2004.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

---

James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300  
BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-7401 or (512) 305-6870



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Elizabeth D. Higginbotham, RN, JD  
Assistant General Counsel  
State Bar No. 00787694

E. Joy Sparks  
Assistant General Counsel  
State Bar No. 18874600  
BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-7401 or (512) 305-6870

Attachments: Agreed Order of the Board dated May 12, 2000.  
Agreed Order of the Board dated June 19, 2001.

0999/D

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of License Number 663723 § AGREED  
issued to MELANIE KOCH GORDON § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MELANIE KOCH GORDON, License Number 663723, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on April 17, 2001, 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.
4. Respondent received a Bachelor Degree in Nursing from Northwestern State University, Shreveport, Louisiana, in May 1994. Respondent was licensed to practice professional nursing in the State of Texas in August 1999.
5. Respondent's professional employment history includes:

1994                      Staff Nurse  
                                 Louisiana State University Medical Center  
                                 Shreveport, Louisiana

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Respondent's professional employment continued:

1994-1996	Staff Nurse LifeCare Hospitals, Inc. Shreveport, Louisiana
1996-1999	Staff Relief Olsten Nursing Agency Lifeline Nursing Agency Shreveport, Louisiana
1998-1999	Staff Relief American Nursing Agency Shreveport, Louisiana
1998-1999	Staff Nurse Louisiana State University Medical Center Shreveport, Louisiana
1999-July 2000	Not employed as a Professional Nurse
July 2000-October 2000	Staff Nurse Azalea Sleep Center Tyler, Texas
October 2000-Present	Not employed as a Professional Nurse

6. On May 12, 2000, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas, which is attached and incorporated by reference as part of this Order.
7. At the time of the incident, Respondent was employed as a Registered Nurse with Azalea Sleep Center, Tyler, Texas, and had been employed there for two(2) months.
8. On or about September 15, 2000, while employed as a Registered Nurse with Azalea Sleep Center, Tyler, Texas, Respondent produced a urine specimen which was positive for amphetamines. 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 patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing patients in potential danger.

9. Subsequent to the above event, Respondent was diagnosed with Attention Deficit Disorder(ADD), and was placed on the medication Adderall, a medication classified as an amphetamine. Respondent's physician has surmised that on September 15, 2000, Respondent inadvertently took medication prescribed for her son, who also has a diagnosis of ADD, and was receiving Adderall at the time that the urine specimen was obtained. Respondent cannot provide any other reasons for testing positive for amphetamines on the urine test.
10. 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)(9), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 663723, heretofore issued to MELANIE KOCH GORDON, including revocation of Respondent's professional license to practice 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):

(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.

(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 Professional 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 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, 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 professional nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

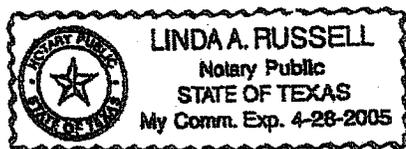
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7<sup>th</sup> day of June, 2001.

Melanie Koch Gordon  
MELANIE KOCH GORDON, Respondent

Sworn to and subscribed before me this 7<sup>th</sup> day of June, 2001.

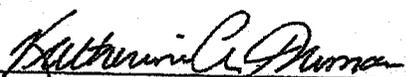
SEAL



Linda A. Russell  
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 7<sup>th</sup> day of June, 2001, by MELANIE KOCH GORDON, License Number 663723, and said Order is final.

Entered and effective this 19<sup>th</sup> day of June, 2001.

  
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 License Number 663723  
issued to MELANIE KOCH GORDON

§ AGREED  
§ ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MELANIE KOCH GORDON, License Number 663723, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on April 3, 2000, 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 Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Northwestern State University, Shreveport, Louisiana in May 1994. Respondent was licensed to practice professional nursing in the State of Texas in August 1999.
5. Respondent's professional employment history is unknown.

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BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS  
\*\*\*\*\*

In the Matter of License Number 663723  
issued to MELANIE KOCH GORDON

§ AGREED  
§ ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MELANIE KOCH GORDON, License Number 663723, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on April 3, 2000, 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 Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Northwestern State University, Shreveport, Louisiana in May 1994. Respondent was licensed to practice professional nursing in the State of Texas in August 1999.
5. Respondent's professional employment history is unknown.

6. On or about October 22, 1999, Respondent passed unauthorized prescriptions for Hydrocodone and Methylprednisolone in Shreveport, Louisiana. Respondent was arrested for this felony offense by the Shreveport Police Department, Shreveport, Louisiana, on or about December 9, 1999. Respondent's conduct deceived the pharmacy.
7. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
8. 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.
9. 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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(21).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 663723, heretofore issued to MELANIE KOCH GORDON, including revocation of Respondent's professional license to practice 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):

(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.

(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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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 to practice professional nursing in the State of Texas.

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, 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5<sup>th</sup> day of May, 2000.

Melanie Koch Gordon  
MELANIE KOCH GORDON, Respondent

Sworn to and subscribed before me this 5<sup>th</sup> day of May, 2000.

SEAL

Debra J Koch

Notary Public in and for the State of Louisiana

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 5th day of May, 2000, by MELANIE KOCH GORDON, License Number 663723, and said Order is final.

Entered and effective this 12th day of May, 2000.

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

February 19, 2011

Diane Burell, Investigator  
Texas Board of Nursing  
3334 Guadalupe Street, Ste. 3-460  
Austin, TX 78701

Dear Ms. Burell,

As I am financial unable to defend myself effectively at this point in time against the Urine Drug Screen collected by Lab Corp on October 22, 2009 which showed an incorrect positive reading for cocaine, I am surrendering my nursing license number 663723.

I had sent you a letter dated October 7, 2010 answering charges and you told me you did not receive it.

Sincerely,



Melanie Gordon