BEFORE THE TEXAS BOARD OF NURSING

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TEXAS BOARD OF NURSING
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.
Executive Director of the Board

In the Matter of Registered Nurse	§
License Number 430344	§
issued to CAROLE ANN S. MELTON	§

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 430344, issued to CAROLE ANN S. MELTON, 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 Diploma in Nursing from Newport Hospital School of Nursing, Newport, Rhode Island, on August 14, 1969. Respondent received a Baccalaureate Degree in Nursing from the University of Texas Health Science Center, San Antonio, Texas, on May 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on May 1, 1974

4. Respondent's professional employment history includes:

7/73 - 1977	Unknown	
1977 - 1980	Staff Nurse	Walter Reed Army Medical Center Washington, DC

Respondent's professional employment history continued:

1980 - 1984	Staff Nurse	Irwin Army Community Hospital Fort Riley, Kansas
1984 - 1986	Staff Nurse	121 Evacuation Hospital Seoul, Korea
1986 - 1990	Staff Nurse	Brooke Army Medical Center Fort Sam Houston, Texas
1990- 1993	Staff Nurse	Madigan Army Medical Center Tacoma, Washington
1993 - 1994	Staff Nurse	Brooke Army Medical Center Fort Sam Houston, Texas
1994 - 5/98	Staff Nurse	Critical Air Medicine San Antonio, Texas
6/98 - 9/99	Unknown	
1/00 - 6/05	Staff Nurse	North Central Baptist Hospital San Antonio, Texas
7/05 - 12/07	Staff Nurse	Health Dialog contracted with OMV Medical San Antonio, Texas
1/08 - present	Unknown	

5. On March 23, 2010, Respondent was issued the sanction of a Warning with Stipulations by the Texas Board of Nursing. A copy of the March 23, 2010, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

6 On December 6, 2010, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, is attached and incorporated, by reference, as part of this Order.

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. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

4. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

5. 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

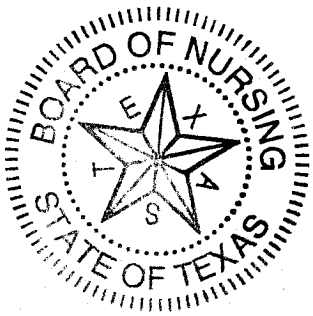
NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 430344, heretofore issued to CAROLE ANN S. MELTON, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this 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. 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 18th day of February, 2011.



TEXAS BOARD OF NURSING

By: _____

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

CAROLE ANN S. MELTON
110 Sage Oaks Trail
Boerne, Texas 78006
Texas RN License #430344

Voluntary Surrender Statement

May 21, 2010

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I, Carole Ann S. Melton, waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Carole Melton

Date 10-26-10

Texas Nursing License Number/s 430344

The State of Texas

Before me, the undersigned authority, on this date personally appeared CAROLE ANN S. MELTON who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 26 day of October, 2010.

SEAL

Notary Public in and for the State of TEXAS

PAT GUTIERREZ
Notary Public, State of Texas
My Commission expires
August 9, 2014

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 430344	§	
issued to CAROLE ANN S. MELTON	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CAROLE ANN S. MELON, Registered Nurse License Number 430344, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10) & (12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 19, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 proceedings, 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 Diploma in Nursing from Newport Hospital School of Nursing, Newport, Rhode Island, on August 14, 1969. Respondent received a Bachelors Degree in Nursing from the University of Texas Health Science Center, San Antonio, Texas, on May 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on July 24, 1973.

5. Respondent's professional nursing employment history includes:

07/1973-1977	Unknown	
1977-1980	RN	Walter Reed Army Medical Center Washington, DC
1980-1984	RN	Irwin Army Community Hospital Fort Riley, Kansas
1984-1986	RN	121 Evacuation Hospital Seoul, Korea
1986-1990	RN	Brooke Army Medical Center Fort Sam Houston, Texas
1990-1993	RN	Madigan Army Medical Center Tacoma, Washington
1993-1994	RN	Brooke Army Medical Center Fort Sam Houston, Texas
1994-05/1998	RN	Critical Air Medicine San Antonio, Texas
05/1998-09/1999	Unknown	
09/1999-06/05	RN	North Central Baptist Hospital San Antonio, Texas
06/05-12/07	RN	Health Dialog contracted with OMV Medical San Antonio, Texas
12/07-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Health Dialog and contracted with OMV Medical, San Antonio, Texas, and had been in this position for two (2) years and six (6) months.

7. On or about July 13, 2009, Respondent submitted a Texas Board of Nursing-Online Renewal Document, Registered Nurse Document, in which she provided false, deceptive, and/or misleading information in that she answered "No" to the question, in pertinent part:

> In the past 5 years, have you been diagnosed with or treated or hospitalized for schizophrenia or other psychotic disorder, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder?

On or about December 8, 2007, Respondent was admitted to Laurel Ridge Treatment Center, San Antonio, Texas, for treatment of Bi-polar Disorder, Type II, Manic and Posttraumatic Stress Disorder. Respondent's conduct was deceiving and may have influenced the Board's decision to license Respondent.

8. On or about December 2007, Respondent lacked fitness to practice as a professional nurse in that Respondent exhibited bizarre behavior related to a mental health issues. Furthermore, Respondent was admitted to Laurel Ridge Mental Health Treatment Facility, San Antonio, Texas, for bi-polar disorder and other mental health illnesses. Respondent's condition may have prevented her from delivering safe nursing care.

9. In response to Finding of Fact Number Seven (7), Respondent states that answering "no" wasn't in anyway false or misleading information and that it was her understanding that this issue regarding her admission with Laurel Ridge and continued counseling with medication was a closed issue. Additionally, Respondent states that the Board was made aware that she was continuing counseling and in no way made a false statement because she was continuing to receive therapy.

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 violation of Section 301.452(b)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(5)&(6)(H)&(I).

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 430344, heretofore issued to CAROLE ANN S. MELTON, 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 a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply 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 §211.1 *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 nursing in compact states.

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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) 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) 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder;

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/disciplinaryaction/stipscourses.html.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://www.learningext.com/products/generalce/critical/ctabout.asp.*

(3) RESPONDENT SHALL pay a monitoring fee in the amount of five-hundred dollars ($500). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND

RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) 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:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT 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.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT 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 RESPONDENT, 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 Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL NOT practice as a 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 Respondent is regularly assigned for one (1) year of employment as a nurse.

(8) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a 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.

(9) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(10) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in

therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the RESPONDENT'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 RESPONDENT is dismissed from therapy.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. 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 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 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 3 day of Feb, 2010.

Carole Ann S. Melton

CAROLE ANN S. MELTON, Respondent

Sworn to and subscribed before me this 3RD day of FEBRUARY, 2010.

SEAL

Ida Cortez

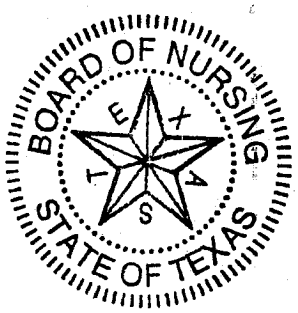
Notary Public in and for the State of TEXAS

IDA CORTEZ
Notary Public, State of Texas
My Commission expires
March 16, 2013

ATTORNEY?? The supplemental case review indicates Brin and Brin???

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of February, 2010, by CAROLE ANN S. MELTON, Registered Nurse License Number 430344, and said Order is final.

Effective this 23rd day of March, 2010.



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