BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 188887	§	
issued to MELVA SHANEICE COOPER	§	ORDER

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

An investigation by the Texas Board of Nursing, hereinafter referred to as the Bo produced evidence indicating that MELVA SHANEICE ROBERSON a/k/a MELVA SHANE COOPER, hereinafter referred to as Respondent, Vocational Nurse License Number 188887, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on July 27, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Nancy Roper Willson, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Erin Raesz, 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(s).

2. Respondent waived notice and hearing, and consented to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Texarkana Community College, Texarkana, Texas, on September 30, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on May 23, 2003.

5. Respondent's vocational nursing employment history includes:

06/2003 - 2008	LVN	Linden Healthcare
10/2005 - 03/2008	LVN	Theron Grainger Hughes Springs, Texas
10/2007 - 03/2008	LVN	EPIC Med Staff Tyler, Texas
03/2008 - 09/2008	LVN	East Texas Care Team Home Health Longview, Texas
08/2008 - Present	LVN	1st Pediatrics Jefferson, Texas
09/2008 - 04/2010	LVN	Omaha Healthcare (Nexion) Omaha, Texas
03/2010 - 05/2010	LVN	Village of Mount Pleasant Mount Pleasant, Texas
04/2010 - Present	LVN	Linden Healthcare (Nexion) Linden, Texas

6. At the time of the initial incident, Respondent was employed as a vocational nurse with East Texas Care Team Home Health, Longview, Texas, and had been in this position for six (6) months.

7. On or about September 17, 2008, while employed as a Licensed Vocational Nurse with East Texas Care Team Home Health, Longview, Texas, and assigned to provide nursing care to Patient R.N., Respondent failed to institute appropriate nursing interventions when the Patient R.N.'s tracheotomy tube came out, in that she allowed the patient's mother to put the tracheotomy tube back in while she stood back. Respondent's conduct delayed the onset of the patient's emergency medical care that was needed to prevent further complications, including the patient's possible demise.

8. In response to Finding of Fact Number Seven (7), Respondent states that she was getting a breathing treatment ready when the patient's mother came in around 0215-0230 to check on him. She states that the ventilator alarm went off and his mother tried to silence it, but it would not turn off. Respondent discovered that his tracheotomy tube was pulled out and his mother immediately took over. She states that the patient was calm and in no distress and the patient's mother started to put the tracheotomy tube in with her assistance. Respondent held the patient's arms while his mother worked. Once the tracheotomy tube was back in

Respondent gave the breathing treatment and the mother went back to bed. Respondent finished out the rest of the shift and went home.

9. On or about September 17, 2008, while employed as a Licensed Vocational Nurse with East Texas Care Team Home Health, Longview, Texas, and assigned to provide nursing care to Patient R.N., Respondent lacked fitness to practice, in that she was found sleeping during her scheduled shift. Respondent's conduct was likely to injure patients in that sleeping during a nursing assignment could have resulted in the patients not getting the care that they needed.

10. In response to Finding of Fact Number Nine (9), Respondent states: "I was not aware that I was doing this. I wouldn't purposely sleep on the job. I had just began the job on September 4, 2008 and wasn't used to the shift and was trying to adjust."

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B),(M)&(T), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4)&(5).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 188887, heretofore issued to MELVA SHANEICE ROBERSON, including revocation of Respondent's license(s) to practice 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.*

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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) 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.

(4) 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.

(5) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational 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.

(6) 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 or Licensed Vocational 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.

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 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 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of August, 20 10.

Melva Shaneice Cooper

MELVA SHANEICE COOPER, Respondent

Sworn to and subscribed before me this 10TH day of AUGUST, 2010.

SEAL

PAULA LANIER
Notary Public
State of Texas
My Comm. Expires 04-12-2012

Paula Lanier

Notary Public in and for the State of TEXAS

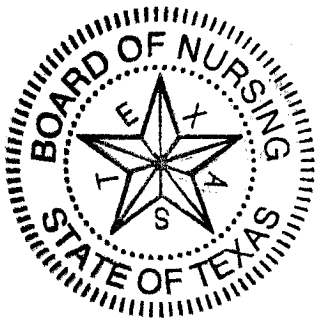
Approved as to form ~~and substance~~.

Nancy Roper Willson

Nancy Roper Willson, Attorney for Respondent

Signed this 23rd day of August, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of August, 2010, by MELVA SHANEICE COOPER, Vocational Nurse License Number 188887, and said Order is final.

Effective this 14th day of September, 2010.

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