



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of § ELIGIBILITY
MELISSA RENEE BENTLEY §
APPLICANT for Eligibility for Licensure § AGREED ORDER

On the date entered below, the Board of Nurse Examiners for the State of Texas hereinafter referred to as the Board, considered the Application for Licensure by Endorsement and supporting documents filed by MELISSA RENEE BENTLEY, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(3)&(8) *et seq.*, Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on August 1, 2006, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about February 28, 2006, Applicant submitted an Application for Licensure by Endorsement in compliance with Section 301.260 *et seq.*, Texas Occupations Code.
2. Applicant waived representation, notice, administrative hearing, and judicial review.
3. Applicant received a Certificate in Vocational Nursing from Platt College, Tulsa, Oklahoma, in May 1999.
4. Applicant completed an application for licensure by endorsement and answered "yes" to Question Number Thirteen (13), which reads in part as follows: *"Have you been convicted, adjudged guilty by a court, pled guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests? This includes expunged offenses and deferred adjudication with or without prejudice of guilt."*

5. Applicant disclosed the following criminal history, to wit:

On May 21, 1995, Applicant was arrested for the misdemeanor offense of Theft of Property in North Little Rock, Arkansas. Applicant was convicted and sentenced to one (1) year probation and assessed a fine in the amount of two hundred fifty dollars (\$250.00).

6. There is no evidence of any subsequent criminal conduct.

7. Applicant completed an application for licensure by endorsement and answered "yes" to Question Number Fifteen (15), which reads in part as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*

8. On September 30, 1999, Applicant was issued a Stipulation, Settlement and Order by the Oklahoma Board of Nursing. A copy of the September 30, 1999, Oklahoma Board Stipulation, Settlement and Order is attached and incorporated by reference as part of this Order.

9. On May 24, 2000, Applicant satisfied all terms and conditions as set forth in the Stipulation, Settlement and Order issued on September 30, 1999, by the Oklahoma Board of Nursing.

10. On May 25, 2000, Applicant was issued a Stipulation, Settlement and Order by the Oklahoma Board of Nursing. A copy of the May 25, 2000, Oklahoma Board Stipulation, Settlement and Order is attached and incorporated by reference as part of this Order.

11. On September 27, 2000, Applicant was issued a Stipulation, Settlement and Order by the Oklahoma Board of Nursing, revoking Applicant's practical nursing license for one (1) year for violating the Stipulation, Settlement and Order issued on May 25, 2000. A copy of the September 27, 2000, Oklahoma Board Stipulation, Settlement and Order is attached and incorporated by reference as part of this Order.

12. On September 27, 2001, Applicant was issued an Order by the Oklahoma Board of Nursing, reinstating her practical nursing license without restrictions.

13. Applicant has sworn that with the exception of matters disclosed in connection with the Application for Licensure by Endorsement, her past behavior conforms to the Board's professional character requirements.

14. After considering the action taken by the Oklahoma Board of Nursing along with Applicant's conduct since September 30, 1999, the Executive Director is satisfied that Applicant is able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

15. On August 1, 2006, the Executive Director considered evidence of Applicant's behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.
16. Applicant presented sufficient evidence that she would not pose a direct threat to the health and safety of patients and the public.
17. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
18. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.
2. Applicant has submitted an Application for Licensure by Endorsement in compliance with 301.260 *et seq.*, Texas Occupations Code.
3. The evidence in Findings of Fact Numbers Four (4) through Twelve (12) is sufficient cause to take disciplinary action under Section 301.452 *et seq.*, Texas Occupations Code, and, therefore, sufficient cause to deny licensure.
4. The action taken by another jurisdiction is grounds for denial of a license under Section 301.452 *et seq.*, Texas Occupations Code.
5. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.
6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

IT IS THEREFORE AGREED that the application of MELISSA RENEE BENTLEY, APPLICANT, is hereby CONDITIONALLY GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation.

(3) Upon receiving authorization to practice vocational nursing in Texas, APPLICANT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to 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 APPLICANT's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

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

(4) APPLICANT SHALL, within one (1) year of licensure in the State of Texas, successfully complete a course in Texas nursing jurisprudence. APPLICANT 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 shall include Nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. APPLICANT 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 APPLICANT'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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) APPLICANT SHALL, within one (1) year of initial licensure in the State of Texas, successfully complete a course in nursing ethics. APPLICANT SHALL obtain Board approval of the course prior to enrollment. 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. APPLICANT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify APPLICANT'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 (under BNE events).*

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

APPLICANT'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all relevant information in conformity with Rule 213.29 at Texas Administrative Code. I certify that my past behavior, except as disclosed in my Application for Licensure by Endorsement, 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 and have no pending cases in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452 (a),(b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations set out in this Order. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any permit or license from the Board of Nurse Examiners.

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

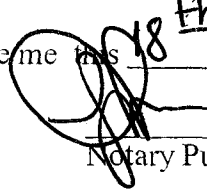
I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 18th day of September, 2006.

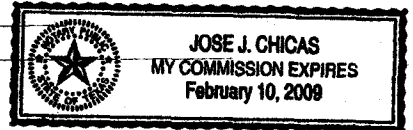
Melissa Renee Bentley
MELISSA RENEE BENTLEY, APPLICANT

Sworn to and subscribed before me this 18th day of September, 2006.

SEAL




Notary Public in and for the State of _____



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 18th day of September, 2006, by MELISSA RENEE BENTLEY, APPLICANT, for Licensure by Endorsement, and said Order is final.

Entered this 5th day of October, 2006.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF MELISSA RENEE' WALKER, L.P.N.
LICENSE NO. L0042586

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 21st day of September, 1999, in the Conference Room of the Board Office, 2915 North Classen, Suite 524, Oklahoma City, Oklahoma, all members of the Panel being present throughout the hearing.

Melissa Renee' Walker, L.P.N., Respondent, appears in person without counsel.

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma and is the holder of License No. L0042586 issued by the Oklahoma Board of Nursing.
2. On or about June 23, 1999, Respondent tested positive for Cannabinoids on a pre-employment drug screen with Beverly Enterprises, Fort Smith, Arkansas.
3. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that she has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time she could confront the witnesses against her, cross-examine those witnesses,

and present evidence in her own behalf. Respondent understands that by signing and agreeing to this stipulation she is waiving those rights.

4. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

5. Respondent fully understands that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Applicant/Respondent for acts or omissions not specifically made a part of this stipulation.

6. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

7. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

STIPULATED DISPOSITION

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent's license to practice licensed practical nursing in the State of Oklahoma remain in effect on the following terms and conditions:

1. For the period of six (6) months from the date of this Order, Respondent

submit to periodic body fluid testing in accordance with and in compliance with the Board's Procedure for Body Fluid Testing, a copy of which is attached hereto and made a part hereof, at least once every two months during such period, and that the results thereof be submitted to the Board immediately.

2. Respondent remain free of alcohol and unprescribed drugs during such period. Any prescribed drug must be verified by Respondent verbally to the Board's office within seventy-two (72) hours and in writing by the prescribing physician on the physician's letterhead within ten (10) days.

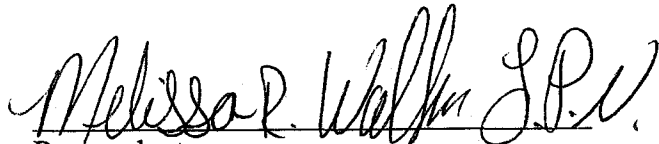
3. For the period of six (6) months from the date of this Order, Respondent cause to be furnished to the Board quarterly self-assessment reports.

4. Respondent notify the Board's office immediately of any change of address

IT IS FURTHER ORDERED that this stipulation shall not be effective until the fully executed Order is received in the Board office.


IT IS FURTHER ORDERED any failure to comply with any terms of this Order will require Respondent's appearance before the Board to show cause why her license should not be revoked.

IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further orders of the Board shall be deemed necessary.


Respondent

Approved and ordered this 30th day of September, 1999.

OKLAHOMA BOARD OF NURSING

By: 
President

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF MELISSA RENEE' WALKER, L.P.N.
LICENSE NO. L0042586

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 16th day of May, 2000, in the Conference Room of the Board Office, 2915 North Classen, Suite 524, Oklahoma City, Oklahoma, all members of the Panel being present throughout the hearing.

Melissa Renee' Walker, L.P.N., Respondent, appears in person without counsel.

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma and is the holder of License No. L0042586 issued by the Oklahoma Board of Nursing.
2. On or about the middle of January, 2000, Respondent fell asleep while on duty, on more than one occasion, while employed by Oklahoma Home Health, Inc., Tulsa, Oklahoma.
3. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that she has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time she could confront the witnesses against her, cross-examine those witnesses, and present evidence in her own behalf. Respondent understands that

by signing and agreeing to this stipulation she is waiving those rights.

4. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

5. Respondent fully understands that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Applicant/Respondent for acts or omissions not specifically made a part of this stipulation.

6. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

7. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

STIPULATED DISPOSITION

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent's license to practice licensed practical nursing in the State of Oklahoma remain in effect on the following terms and conditions:

1. Respondent be placed on probation for six (6) months employment as a nurse, such employment to be completed within one (1) year.

2. The employment of Respondent during such probationary period be in a hospital only, which will agree to comply with this Board's Guidelines For Supervised Practice, a copy of which is attached hereto and made a part hereof.

3. Within thirty (30) days from the date of this Order Respondent submit documentation, satisfactory to the Board, of the successful completion of the Board's "Legal/Ethical Packet".

4. Respondent comply with this Board's Guidelines for Staff/Board Conferences, a copy of which is attached hereto and made a part hereof.

5. Respondent cause to be furnished to the Board quarterly self-assessment reports, which comply with this Board's Guidelines for Self-Assessment Reports, a copy of which is attached hereto and made a part hereof.

6. The terms of this Order shall apply to the practice of nursing of any kind, including practice while enrolled in a nursing education program.

7. A copy of this Order and the attachments and any amendments thereof be furnished to current and each prospective nursing employer.

8. Respondent's license to practice licensed practical nursing will not be marked "Restricted".


9. Respondent notify the Board's office immediately of any change of address.

IT IS FURTHER ORDERED that Respondent be severely reprimanded for her failure to recognize both her legal and professional duty to the public she serves, and especially her patients. Sleeping while on duty shows contempt for the public's right to require quality nursing care at all times and their right to expect all nurses to behave in a professional manner at all times. A repeat violation of the Oklahoma Nursing Practice Act by Respondent will not be tolerated by this Board and will be cause for additional discipline of Respondent.

IT IS FURTHER ORDERED that this stipulation shall not be effective until the fully executed Order is received in the Board office.

IT IS FURTHER ORDERED any failure to comply with any terms of this Order will require Respondent's appearance before the Board to show cause why her license should not be revoked.

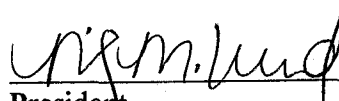
IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further orders of the Board shall be deemed necessary.



Respondent

Approved and ordered this 25th day of May, 2000.

OKLAHOMA BOARD OF NURSING

By: 
President

BEFORE THE OKLAHOMA BOARD OF NURSING

**IN THE MATTER OF MELISSA RENEE' WALKER, L.P.N.
LICENSE NO. L0042586**

ORDER

This matter comes on for hearing before the Oklahoma Board of Nursing on the 27th day of September, 2000, at the Holiday Inn Conference Center, 2101 South Meridian Avenue, Oklahoma City, Oklahoma, all members of the Board being present throughout the hearing.

The Board is represented by Charles C. Green, attorney at law, and Respondent appears in person without counsel.

FINDINGS

After hearing all the evidence presented and upon due consideration thereof, the Board finds:

1. Proper notice of this hearing was served on Respondent as required by law.
2. Respondent was placed on probation by Stipulation, Settlement and Order entered May 25, 2000.
3. On the 29th day of August, 2000, an Order to Appear and Show Cause was issued by the Oklahoma Board of Nursing for alleged violations of the terms of Respondent's probation.
4. Respondent failed to submit a copy of the Probation Order of May 25, 2000, upon her employment by Maplewood Care Center, a nursing home in Tulsa, Oklahoma.

5. Respondent's employment by Maplewood Care Center was in violation of the terms of the Probation Order.

6. Respondent failed to report her employment by Maplewood Care Center to the Board office.

7. Respondent has not shown cause why her probation and license should not be revoked or suspended.

CONCLUSION

The Board concludes that Respondent is guilty of violating an order of this Board in violation of the provisions of the Oklahoma Nursing Practice Act, 59 O.S. §§ 567.1, et. seq., specifically § 567.8 A. 9 thereof, and that such is grounds for suspension or revocation of Respondent's probation and license.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the license to practice licensed practical nursing in the State of Oklahoma held by Melissa Renee' Walker, L.P.N., being License No. L0042586, is hereby revoked for one (1) year.

OKLAHOMA BOARD OF NURSING

By: M. M. Lind
President

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF MELISSA RENEE' WALKER, L.P.N.
LICENSE NO. L0042586

ORDER

This matter comes on for hearing before the Oklahoma Board of Nursing on the 27th day of September, 2001, at the Holiday Inn Conference Center, 6200 North Robinson, Oklahoma City, Oklahoma, all members of the Board being present throughout the hearing, except Elizabeth Schmelling, R.N., who is absent.

The Board is represented by Charles C. Green, attorney at law, and Applicant appears in person without counsel.

FINDINGS

1. Applicant's license to practice licensed practical nursing was revoked for one (1) year on September 27, 2000.
2. Applicant has submitted her Application for Reinstatement to practice licensed practical nursing in the State of Oklahoma.
3. Applicant has submitted sufficient evidence that the granting of her Application for Reinstatement will not be detrimental to the health, safety or welfare of the public.

CONCLUSION

The Board concludes that Applicant's license should be reinstated pursuant to 59 O.S. §§ 567.7 B and § 485:10-9-4(e) of the Rules promulgated by this Board.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the Application for Reinstatement of Applicant's license to practice licensed practical nursing in the

State of Oklahoma is hereby granted and Applicant's license, being License No. L0042586, is reinstated.

OKLAHOMA BOARD OF NURSING

By: Karen E. Fletcher
Vice President

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