

Respondent's nursing employment history continued:

02/1994 - 10/1994	Staff Nurse	McAllen Medical Center McAllen, Texas
11/1994 - 11/1996	Staff Nurse	Brownsville Medical Center Brownsville, Texas
12/1996 - 07/1998	Field Nurse Field Supervisor	MCH Services Harlingen, Texas
08/1998	Unknown	
09/1998 - 08/2006	Staff Nurse	Valley Regional Medical Center Brownsville, Texas
9/2006 - 11/2006	Unknown	
12/2006 - 3/2007	Staff Nurse	Bay Area Medical Center Corpus Christi, Texas
4/2007 - 9/2007	Unknown	
10/2007 - Present	Staff Nurse	Brownsville Doctor's Hospital Brownsville, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Valley Regional Medical Center, Brownsville, Texas, and had been in this position for seven (7) years and nine (9) months.
7. On or about June 14, 2006, while employed as a Staff Nurse with Valley Regional Medical Center, Brownsville, Texas, Respondent was reassigned from her usual position in the Newborn Intensive Care Unit to the Newborn Nursery (NBN). Respondent protested this assignment, but did agree to work in the NBN; however, she left the facility without authorization and without notification of any nursing staff, soon after her arrival at the unit, abandoning four (4) infant patients assigned to her care. Although Respondent could have walked to the clinical manager's office, which was located adjacent to the NBN, and obtained permission to leave after she started feeling ill, she walked out of the hospital to her car and called the manager later, when she arrived home. Respondent's conduct was likely to injure patients by creating an unsafe clinical environment where there would be insufficient staff to take care of patient needs in the event of a medical emergency.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent explains that when she was told that she was being floated to the Newborn Nursery (NBN), she requested twice that she be allowed to go home because she didn't feel she could manage the noise,

lights and enclosed space in the NBN, which has previously resulted in her having "incredible migraine headaches," and she was anxious the environment would trigger another episode; however, her requests were denied. Respondent states that although the environment in the nursery was as she feared, she began her assignment and made every effort to complete the work. According to Respondent, she had no intention of abandoning her patients but was overwhelmed with anxiety and nausea. Respondent admits that she did not receive permission from the NICU Charge Nurse to leave the nursery, but asserts that she told the Charge Nurse that she could not work in the nursery, which she claims the Charge Nurse does not acknowledge. Respondent states that she made sure all of her assigned patients were safe before she left, that she did not, at any time, leave the patients in harm's way, and that there were several nurses present in the same small room when she departed. Respondent concludes that she regrets leaving the hospital facility without receiving permission; however, because she now recognizes that she was probably experiencing an anxiety or panic attack that day, she has sought medical evaluation and treatment for this issue, and is participating in a stress management program.

9. On or about February 20, 2010, Respondent completed a Board-approved class in Texas nursing jurisprudence and ethics, which would have been a requirement of this Order.
10. The Board finds that Respondent's nursing supervisors since the incident indicate that Respondent demonstrates high standards of nursing care with excellent skills in her areas of nursing expertise.

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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B), (1)(I)&(3)(A) and 217.12(1)(A),(1)(B),(4)&(12).
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 602892, heretofore issued to MARION FRANCES MELROSE, 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 REMEDIAL EDUCATION, 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 nurse licensure compact privileges, if any, to practice 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 nurse licensure compact 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 that:

(1) 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://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.

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

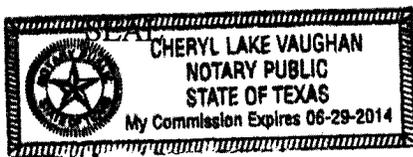
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 16th day of August, 2010.

Marion Frances Melrose, RN
MARION FRANCES MELROSE, Respondent

Sworn to and subscribed before me this 16th day of AUGUST, 2010.



Cheryl Lake Vaughan

Notary Public in and for the State of TEXAS

Approved as to form and substance.

Celeste P. Lira
Celeste P. Lira, Attorney for Respondent

Signed this 19 day of August, 2010.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 16th day of August, 2010, by MARION FRANCES MELROSE, Registered Nurse License Number 602892, and said Order is final.

Effective this 23rd day of August, 2010.



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