

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 TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 525946 §
issued to THOMAS M. LAUGHLIN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of THOMAS M. LAUGHLIN, Registered Nurse License Number 5259, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 5, 2012, by Katherine A. Thomas, MN, RN, FAAN, 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(s).
2. Respondent waived 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 an Associate degree in Nursing from Midwestern State University, Wichita Falls, Texas, on May 1, 1985. Respondent was licensed to practice professional nursing in the State of Texas on August 28, 1985.
5. Respondent's nursing employment history includes:

08/1985-11/1990	Unknown	
11/1990-11/1993	RN	Harris Methodist H.E.B Bedford, Texas

Respondent's complete professional employment history includes (continued):

11/1993-9/1994	Unknown	
10/1994-10/1995	RN	Dallas Fort Worth Medical Center, Grand Prairie, Texas
10/1995-02/1997	Unknown	
03/1997-06/1998	RN	Dallas Fort Worth Medical Center, Grand Prairie, Texas
07/1998-10/02	Unknown	
11/02-08/09	RN	North Hills Hospital North Richland Hills, Texas
08/09-01/11	RN	Baylor Medical Center at Irving, Irving, Texas
02/11-05/11	Unknown	
05/11-Present	RN	Lake Granbury Medical Center Granbury, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse in the Critical Care Unit with Baylor Medical Center at Irving, Irving, Texas, and had been in this position for approximately one (1) year and five (5) months.
7. On or about January 17, 2011, while employed as a Registered Nurse with Baylor Medical Center at Irving, Irving, Texas, and while caring for Patient Medical Record Number 114469570, Respondent:
 - a. exposed the patient to emotional harm by emotionally/or verbally abusing the patient by threatening to stuff a rag in the patients mouth;
 - b. exposed the patient to further abuse, injury or emotional harm by physically abusing the patient by pushing his head back against the bed and holding a pillow over the patients' face;
 - c. exposed the patient to further abuse, injury or emotional harm by placing an excessive eight (8) points of restraint on the patient, including two (2) restraints on each wrist, one (1) restraint on each ankle, one (1) vest, and a flat sheet tied around the patients right arm and secured behind the patients bed. Additionally, there was only an order for, at most, a five (5) point restraint; and

- d. failed to document in the patients medical record between the times of 2000 and 0400 when Respondent was removed from this patients care in the multi-disciplinary re-assessment chart and the special record chart. Respondent's conduct resulted in an incomplete medical record, and was likely to injure the patient in that subsequent care givers did not have accurate and complete information on which to base decisions for further care.
8. In Response to Finding of Fact Number Seven (7), Respondent states he had worked two (2) twelve (12) hour shifts in the Critical Care Unit (CCU) and was starting his third (3rd) shift on the evening of Sunday, January 17, 2011. Respondent states he had cared for Patient Medical Record Number 114469570, who was agitated and had been restrained by the Emergency Room (ER) staff on admission and then by Intensive Care Unit (ICU) staff. Respondent states that the patient was so strong that he was breaking cloth restraints and had double restraints on for safety when Respondent assumed his care. Respondent states that on the night of the reported incident, Respondent was assisting his fellow staff, when at approximately 2:00AM a "code blue" was called on the fourth (4th) floor. Respondent went to the code in an isolation room on the fourth (4th) floor and worked to resuscitate that patient for thirty (30) minutes. Respondent states when he returned to the CCU he was sweating, was physically tired, and had not eaten or had a break in eight (8) hours. Respondent states Patient Medical Record Number 114469570 was screaming and the nurse who had cared for this patient in Respondent's absence was not in the room. Respondent states he calmed the patient down and then assisted a new Registered Nurse (RN) with an IV start in time to get back to Patient Medical Record Number 114469570, who was still screaming and spitting on Respondent. Respondent states the patient would not calm down and continued to spit and tried to bite the Respondent, when the Respondent placed his hand on the patients forehead to keep him from getting bitten and with his other hand held the patient's pillow up to shield himself from bodily fluids. Respondent states onlookers may have misinterpreted this action. Additionally, Respondent states with regard to the issue of documentation, Respondent states he was removed from the care of this patient and denied access to the medical record to finalize his charting. Respondent states he resigned his position the next day.
9. Notice of investigation of allegations in Finding of Fact Number Seven (7) were sent to Respondent on January 21, 2011.
10. On May 27, 2011, the Board requested that the case be set for contested case hearing and sent Notice of Hearing to Respondent on May 31, 2011.
11. Respondent requested a continuance which was granted and the case was referred to mediation.
12. At the Board of Nursing's request, Respondent submitted to a forensic psychological evaluation on or about November 2, 2011, and December 7, 2011, with Alexander Howe, Ph.D, Clinical Psychologist, one of the Board's approved experts, for a determination by Dr.

Howe of Respondent's ability to comply with the Texas Board of Nursing Rules and Regulations regarding good professional character, standards of practice and unprofessional conduct. Dr. Howe conducted a full examination and opined that Respondent rendered valid profiles on the psychological testing. Dr. Howe states Mr. Laughlin acknowledges that he engaged in unprofessional conduct on January 17, 2011, with Patient 114469570, and that his behavior was not representative of both his history as a nurse provider and his principles of conduct as a nursing provider. However, Dr. Howe states, the anger appears not directed toward people who are under his nursing care, and it is proposed that he generally possesses varying effective means of controlling his unresolved anger or defending himself but that the anger remains within him. Dr. Howe proposes that the Board should consider requiring Mr. Laughlin to commit to a treatment program involving psychiatric/psychopharmacological assessment and psychological-based treatment in addressing his awareness of an responsiveness to perceptions, beliefs, emotions and behaviors within him that contributed to the identified unprofessional behavior as a nurse on January 17, 2011.

13. Since the events in Finding of Fact Number Seven (7), Respondent has not been the subject of a report to the Board for any reason.
14. Respondent states that he disputes the Board's contentions regarding disciplinary action in this case, however, to avoid the uncertainty and added expense of a contested case hearing and to cooperate in good faith with the Board, the Respondent agrees to the entry of this Order.
15. Charges were filed on March 22, 2011.
16. Charges were mailed to Respondent on March 25, 2011.

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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A)&(B) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(6)(C)&(F) and (11)(B).
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 525946, heretofore issued to THOMAS M. LAUGHLIN, 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 Registered Nurse License Number 525946, previously issued to THOMAS M. LAUGHLIN, to practice professional nursing in Texas is hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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(s) is/are encumbered by this order the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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.

(1) 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.

(2) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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.texas.gov/disciplinaryaction/stipscourses.html>.

(3) 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>.

(4) RESPONDENT SHALL pay a monetary fine in the amount of five-hundred (\$500) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. 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 PROBATION CONDITIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). 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 probation conditions on RESPONDENT'S license(s). 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.

(6) 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.

(7) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(8) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as 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.

(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 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 two (2) year(s) of employment as a nurse.

(10) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL commit to a treatment program involving psychiatric/psychopharmacological assessment and psychological-based treatment in addressing his awareness of and responsiveness to perceptions, beliefs, emotions and behaviors within him. 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 beyond the initial three (3) months, the reports shall then be required at the end of each three (3) month period for the remainder of the probation period, or until RESPONDENT is dismissed from therapy.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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

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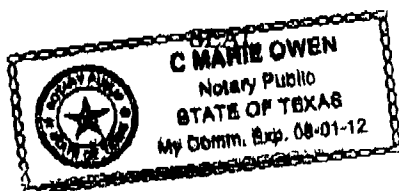
RESPONDENT'S CERTIFICATION

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

Signed this 29 day of Feb, 2012.

Thomas M. Laughlin
THOMAS M. LAUGHLIN, Respondent

Sworn to and subscribed before me this 29 day of Feb, 2012.



C. Marie Owen
Notary Public in and for the State of Texas

Approved as to form.

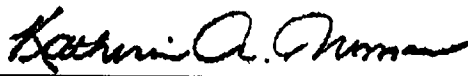
Elizabeth Higginbotham

Elizabeth Higginbotham, RN, JD, Attorney for Respondent

Signed this 29th day of February, 2012.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of February, 2012, by THOMAS M. LAUGHLIN, Registered Nurse License Number 525946, and said Order is final.

Effective this 20th day of March, 2012.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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