

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 557770
ISSUED TO
DAVID CHARLES THOMAS

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia R. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: David Charles Thomas
428 Childress Street, #21996
Pensacola, Florida 32534

During open meeting held in Austin, Texas, on February 14, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 557770, previously issued to DAVID CHARLES THOMAS, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER 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.

Entered this 14th day of February, 2012.

TEXAS BOARD OF NURSING



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD


Attachment: Formal Charge filed November 8, 2011.

Re: Permanent Certificate Number 557770
Issued to David Charles Thomas
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

David Charles Thomas
428 Childress Street, #21996
Pensacola, Florida 32534

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § BEFORE THE TEXAS
Number 557770, Issued to §
DAVID CHARLES THOMAS, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DAVID CHARLES THOMAS, is a Registered Nurse holding license number 557770, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about February 15, 2011, Respondent received an Order with Findings of Fact and Conclusions of Law from the Nevada State Board of Nursing, wherein Respondent received a Reprimand with a Fine for failure to submit evidence of completion of continuing education requirements. The Respondent was required to complete the requirements of the order within thirty (30) days or Respondent's Nevada professional nursing license would be suspended. On or about April 1, 2011, Respondent failed to complete the requirements of the Order, and Respondent's license was suspended. Respondent's license to practice professional nursing in the State of Nevada remains in Suspended status. A copy of the Order and Findings of Fact and Conclusions of Law issued by the Nevada State Board of Nursing dated February 15, 2011 is attached and incorporated by reference as a part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE II.

On or about September 2, 2011, Respondent submitted a License Renewal Form (Delinquent for over 90 days) to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "no" to the following question:

"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 nursing license, certificate, or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded, or otherwise disciplined you? (You may exclude disciplinary actions previously disclosed to the Texas Board of Nursing on an initial licensure or renewal application.)"

- On or about February 15, 2011, Respondent received an Order with Findings of Fact and Conclusions of Law from the Nevada State Board of Nursing, as is referenced in Formal Charge I. Further, Respondent's license to practice professional nursing in the State of Nevada was suspended on or about April 1, 2011, and remains in suspended status, as is also

referenced in Formal Charge I. Respondent's conduct was deceiving and may have affected the Board's decision to license him.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(6)(I).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses for Lying and Falsification, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

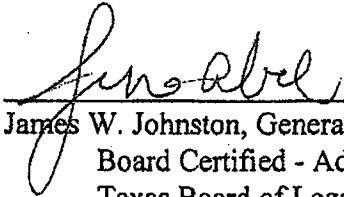
NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: "Findings of Fact, Conclusions of Law and Order" issued by the Nevada State Board of Nursing dated February 15, 2011.

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CONTINUED ON NEXT PAGE.

Filed this 8th day of November, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order and Findings of Fact and Conclusions of Law issued by the Nevada State Board of Nursing dated February 15, 2011.

D/2011.09.23

Nevada State Board of
NURSING

August 25, 2011

Texas Board of Nursing
Attn: Barbara Darling, Administrative Asst. III
333 Guadalupe Ste 3-460
Austin, TX 78701


Re: DAVID THOMAS, RN45676


Dear Ms. Darling:

As requested, the enclosed are certified true copies of the Complaint and Notice of Hearing, the Findings of Fact, Conclusions of Law and Order, and the Letter of Suspension found in the disciplinary file that is located in the office of the Nevada State Board of Nursing for the above referenced individual.

If you have any questions, please do not hesitate to contact this office in writing or by telephone at 888-590-6726.

Sincerely,
Nevada State Board of Nursing



 Chris Sansom, RN, BSN
Director of Operations

CS/cd

Enclosures

ORIGINAL

BEFORE THE NEVADA STATE BOARD OF NURSING

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IN THE MATTER OF
DAVID THOMAS
LICENSED PROFESSIONAL NURSE
NEVADA LICENSE NO. RN45676
RESPONDENT

COMPLAINT AND NOTICE
OF HEARING

CASE NO. 0844-10CE

The Nevada State Board of Nursing (Board), by and through counsel, Frederick R. Olmstead, hereby notifies Respondent David Thomas of an administrative hearing, which is to be held pursuant to Chapters 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative Code. The purpose of the hearing is to consider the allegations stated below and to determine if the Respondent should be subject to an administrative penalty as set forth in NRS 632.320 and/or NRS 632.325 and/or NAC 632.926-927, if the stated allegations are proven at the hearing by the evidence presented.

Respondent David Thomas is currently and was at the time of the allegations stated below, licensed as a Licensed Professional Nurse in the State of Nevada, and is, therefore, subject to the jurisdiction of the Board and the provisions of NRS Chapter 632 and NAC Chapter 632.

IT IS HEREBY ALLEGED AND CHARGED AS FOLLOWS:

I.

On or about May 12, 2010, Respondent submitted an application for renewal of his Nevada Professional Nursing License. On that renewal application, Respondent attested that he had completed thirty hours of Board approved, nursing related, continuing education during the two-year renewal period. At least four hours of the continuing education must have been on bioterrorism, which is a one time requirement mandated in Nevada.

1 On or about July 13, 2010, Respondent was randomly selected for a continuing education
2 and bioterrorism audit. On that same day, Respondent was mailed a letter requesting that he
3 provide to the Board documentation in support of his attestation that he had completed the
4 required continuing education.

5 As of this date, Respondent has failed to provide to the Board with proper documentation
6 in support of his attestation that he had completed the required continuing education.

7 II.

8 The foregoing conduct constitutes grounds for disciplinary action pursuant to NRS
9 632.320(1)(g) unprofessional conduct, because Respondent violated NAC 632.890(26) when
10 Respondent failed to abide by any state or federal statute or regulation relating to the practice of
11 nursing.

12 Based on the foregoing:

13 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider this
14 Administrative Complaint against the above-named Respondent in accordance with Chapters
15 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative
16 Code.
17

18 THE HEARING WILL TAKE PLACE on Thursday, January 13, 2011, commencing
19 at 9:00 a.m., or as soon thereafter as the Board is able to hear the matter, at the Tuscan Suites,
20 255 E. Flamingo Road, Las Vegas, NV 89169. This case and other matters are scheduled to be
21 heard by the Board.
22

23 PURSUANT TO NRS 632.350, Respondent may request, in writing, that the Board
24 furnish copies of communications, reports, and affidavits in its possession, regarding the above-
25 referenced matter.

26 As the Respondent, you are specifically informed that you have the right to appear and be
27 heard in your defense, either personally or through counsel of your choice. You have the right to
28 respond and to present relevant evidence and argument on all issues involved. You have the

1 right to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on
2 any matter relevant to the issues involved.

3 You have the right to request that the Board issue subpoenas to compel witnesses to
4 testify and/or evidence to be offered on your behalf. In making this request, you may be required
5 to demonstrate the relevancy of the witness' testimony and/or evidence.

6 The purpose of the hearing is to determine if the Respondent has violated NRS
7 632.320(1)(g) and/or NAC 632.890(26), and if the allegations contained herein are substantially
8 proven by the evidence presented to further determine what administrative penalty is to be
9 assessed against the Respondent, if any, pursuant to NRS 632.320 and/or NRS 632.325 and/or
10 NAC 632.926-.927.

11 Should the Respondent fail to appear at the hearing, a decision may still be reached by
12 the Board. As the Respondent, you are further advised that you may be charged with cost
13 associated with the hearing pursuant to NRS 622.400.

14 Pursuant to NRS 233B.121(5), informal disposition of this case may be made by
15 stipulation, agreed settlement, consent order, or default. Any attempt to negotiate this case
16 should be made through Frederick R. Olmstead, General Counsel, Nevada State Board of
17 Nursing.

18 Pursuant to NRS 241.033(2)(b), the Nevada State Board of Nursing may, without further
19 notice, take administrative action against your license and/or certificate to practice within the
20 State of Nevada if the Board determines that such administrative action is warranted after
21 considering your character, alleged misconduct, professional competence, or physical or mental
22 health.

23 DATED this ^{10th} 10 day of December 2010.

24
25 By: 

26 FREDERICK R. OLMSTEAD, ESO.
27 General Counsel
28 Nevada State Board of Nursing
5011 Meadowood Mall Way, Suite 300
Reno, Nevada 89502-6547
(775) 687-7728

NOTICE

Effective July 1, 2005, the Nevada State Legislature amended Chapter 622 of the Nevada Revised Statutes by adding the following provisions:

1. If a regulatory body initiates disciplinary proceedings against a licensee pursuant to this title, the licensee shall, within 30 days after the licensee receives notification of the initiation of the disciplinary proceedings, submit to the regulatory body a complete set of his fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.
2. The willful failure of the licensee to comply with the requirements of subsection 1 constitutes an additional ground for the regulatory body to take disciplinary action against the licensee, including, without limitation, suspending or revoking the license of the licensee.
3. A regulatory body has an additional ground for taking disciplinary action against the licensee if:
 - (a) The report from the Federal Bureau of Investigation indicates that the licensee has been convicted of an unlawful act that is ground for taking disciplinary action against the licensee pursuant to this title; and
 - (b) The regulatory body has not taken any prior disciplinary action against the licensee based on that unlawful act.
4. To the extent possible, the provisions of this section are intended to supplement other statutory provisions governing disciplinary proceedings. If there is a conflict between such other provisions and the provisions of this section, the other provisions control to the extent that the other provisions provide more specific requirements regarding the discipline of a licensee. (Senate Bill 163).

The Nevada State Board of Nursing considers the attached Complaint and Notice of Hearing as the initiation of disciplinary proceedings against a licensee or certificate holder.

Accordingly, please submit, within 30 days after receipt of this notification, a complete set of your fingerprints and written permission authorizing the Nevada State Board of Nursing to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

The willful failure by you to comply with this requirement may constitute an additional ground for the Nevada State Board of Nursing to take disciplinary action against you.


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CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Nursing, and that on this 10th day of December 2010 I served a copy of the foregoing COMPLAINT AND NOTICE OF HEARING, by placing said document in the U.S. Mail by first class mail and by the U.S. Mail, certified, return receipt requested and postage prepaid, addressed to:

David Thomas
18631 N19th Ave.
#158163
Phoenix, AZ 85027

David Thomas
428 Childers Street
#21996
Pensacola FL 32534



Gail Trujillo
Management Assistant
Nevada State Board of Nursing

ORIGINAL

BEFORE THE NEVADA STATE BOARD OF NURSING

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IN THE MATTER OF
DAVID THOMAS
LICENSED PROFESSIONAL NURSE
NEVADA LICENSE NO. RN45676
RESPONDENT

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER.

CASE NO. 0844-10CE

On Thursday, January 13, 2011, a hearing was held in the above matter before the Nevada State Board of Nursing at the Tuscany Suites, 255 E. Flamingo Road, Las Vegas, NV 89169, in compliance with the provisions of Chapters 233B and 632 of the Nevada Revised Statutes (NRS) and Chapter 632 of the Nevada Administrative Code (NAC).

Respondent David Thomas did not appear at the hearing. The Nevada State Board of Nursing staff appeared through counsel, Frederick R. Olmstead.

Based upon NAC 632.923, the Board proceeded to consider the case without the participation of Respondent. Based upon NAC 632.923, the Board considered the charges specified in the Complaint to be true. Accordingly, the Board made the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

I.

At least twenty-one (21) working days prior to the date of the hearing, Respondent had been noticed of the hearing by certified mail and by first class mail, which notice was mailed to Respondent's last known residential address.

II.

The Board had jurisdiction over the matter, and the Board could proceed to make a determination in the matter.

1 III.

2 On May 12, 2010, Respondent submitted an application for renewal of his Nevada
3 Professional Nursing License. On that renewal application, Respondent attested that he had
4 completed thirty hours of Board approved, nursing related, continuing education during the two-
5 year renewal period. At least four hours of the continuing education must have been on
6 bioterrorism, which is a one time requirement mandated in Nevada.

7 On July 13, 2010, Respondent was randomly selected for a continuing education and
8 bioterrorism audit. On that same day, Respondent was mailed a letter requesting that he provide
9 to the Board documentation in support of his attestation that he had completed the required
10 continuing education.

11 As of the date of the hearing, Respondent has failed to provide to the Board with proper
12 documentation in support of his attestation that he had completed the required continuing
13 education.

14 CONCLUSIONS OF LAW

15 1. Pursuant to NRS 632.320 and/or NAC 632.325 and/or NAC 632.923-927, the
16 Board may take disciplinary action against the Respondent based upon proof of a violation of
17 chapter 632 of the Nevada Revised Statutes and/or the Nevada Administrative Code.

18 2. Based on the charges specified in the Complaint being considered as true, due to
19 Respondent's failure to appear at the hearing after proper notice was given, Respondent was found
20 guilty of violating NRS 632.320(1)(g) unprofessional conduct, because Respondent violated
21 NAC 632.890(26) when Respondent failed to abide by any state or federal statute or regulation
22 relating to the practice of nursing.

23 ORDER

24 Based on the foregoing Findings of Fact and Conclusions of Law and good cause
25 appearing therefore,
26

27 IT IS HEREBY ORDERED that pursuant to NRS 632.320 and/or NAC 632.926 (1)(h),
28 Respondent's Nevada Professional Nurse's License No. RN45676 is Publicly Reprimanded.

1 IT IS FURTHER ORDERED that Respondent's Nevada Professional Nurse's License
2 No. RN45676 be Fined in the amount of two hundred dollars (\$200.00).

3 IT IS FURTHER ORDERED that Respondent shall take and successfully complete: (1) a
4 Board approved thirty (30) hour course of continuing education on legal ethics in nursing; (2) the
5 Nevada Nurse Practice Act course; and (3) a board approved four hour bioterrorism course.
6 Respondent shall submit evidence of completion of the course to the Board within thirty (30)
7 days of the date of this Order. If Respondent fails to submit evidence of completion of the
8 course to the Board within thirty (30) days, Respondent's Nevada Professional Nurse's License
9 No. RN45676 shall be suspended until such time that Respondent completes the required
10 courses.

11 IT IS FURTHER ORDERED that the reprimand and fine shall become part of
12 Respondent's permanent record, be published on the Board's list of disciplinary actions, and be
13 reported to the appropriate data banks.

14 IT IS FURTHER ORDERED that, pursuant to NRS 622.400, Respondent is charged with
15 the actual attorney's fees and costs of the hearing. The fees and costs of the hearing are due
16 within one hundred and twenty (120) days from the issuance of the statement of costs.

17 Pursuant to NRS 632.400(2), the ruling of the Board contained in these Findings of Fact,
18 Conclusions of Law, and Order shall take effect upon service to the Respondent or when the
19 Board receives a return from the United States Postal Service indicating the Respondent refused
20 service or could not be located.

21 If no return is received by the Board, the order shall become effective 30 days from the
22 date of the order.

23 DATED this 15 day of February 2011.

24 NEVADA STATE BOARD OF NURSING

25
26 By: Doreen E. Begley
27 DOREEN BEGLEY, MS, RN
28 Board President

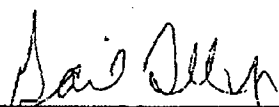
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Nursing, and that on this ^{16th} day of February 2011, I served a copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER, by placing said document in the U.S. Mail by first class mail and by the U.S. Mail, certified, return receipt requested and postage prepaid, addressed to:

David Thomas
18631 N19th Ave.
#158163
Phoenix, AZ 85027

David Thomas
428 Childers Street
#21996
Pensacola FL 32534



Gail Trujillo
Executive Assistant
Nevada State Board of Nursing

Nevada State Board of
NURSING

April 1, 2011

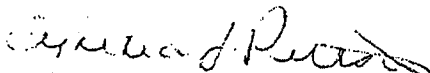
David Thomas
18631 N19th Ave
158163
Phoenix, AZ 85027

Dear Mr. Thomas:

As you have failed to complete the courses and pay the administrative fine ordered by the Board, your Registered Nurse license is now suspended. You may not practice as a Registered Nurse in Nevada.

If you have any questions please do not hesitate to contact this office in writing or by telephone at 888-590-6726.

Sincerely,
NEVADA STATE BOARD OF NURSING


Cynthia J. Peterson, RN
Investigator