



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 A. Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 828521 §
issued to DANIEL JOE THOMAS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DANIEL JOE THOMAS, Registered Nurse License Number 828521, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's is license to practice professional nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Baccalaureate Degree in Nursing from Indiana University at IUPUI, Indianapolis, Indiana, on May 1, 2000. Respondent was licensed to practice professional nursing in the State of Texas on December 3, 2012.
5. Respondent's professional nursing employment history is unknown.

6. On or about March 20, 2013, Respondent's Registered Nurse license was SUSPENDED for a period of thirty (30) days by the Oregon State Board of Nursing, Portland, Oregon. A copy of the Stipulated Order effective March 20, 2013, is attached and incorporated, by reference, as part of this Order.
7. Regarding the conduct outlined in Finding of Fact Number Six (6), Respondent states that he was caring for a challenging quadriplegic resident at a long term care facility. Respondent states that he was in the process of connecting an IV to a catheter on his upper chest when the resident "attempted to infect" him by spitting in his face and also threatened to bite him. Respondent states that he quickly draped the corner of a sheet over the resident's face to prevent the exposure and a "moment or two later" he safely completed the procedure and removed the sheet. Respondent states that although he signed the Oregon order he does not agree with the findings.

Respondent adds that at one time, his travel agency requested he obtain licensure in Texas for a prospective assignment. He states that he has not yet worked in Texas and does not intend to do so.
8. Formal Charges were filed on July 3, 2013.
9. Formal Charges were mailed to Respondent on July 5, 2013.
10. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 828521, heretofore issued to DANIEL JOE THOMAS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 828521, heretofore issued to DANIEL JOE THOMAS, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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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(s) 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 7 day of August, 2013.

Daniel Joe Thomas RN
DANIEL JOE THOMAS, Respondent

Sworn to and subscribed before me this 7th day of August, 2013.

SEAL



Cissy Songalia
Notary Public in and for the State of California
San Diego county

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 828521, previously issued to DANIEL JOE THOMAS.

Effective this 12th day of August, 2013.



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

BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of) STIPULATED ORDER FOR
Daniel Thomas, RN) 30 DAY SUSPENSION
) OF REGISTERED NURSE LICENSE

License No. 200340397RN) Reference No. 12-01552

Daniel Thomas (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on April 14, 2003.

On or about January 19, 2012, the Board received information that alleged Licensee was verbally and physically abusive to a quadriplegic resident and failed to respect the resident's rights.

A January 23, 2012, Department of Human Services' Seniors and People With Disabilities Division (SPD) investigation substantiated that on or around December 31, 2011, Licensee failed to provide a quadriplegic resident with a choice in his medical care and abused the resident by throwing a sheet over the resident's face when the resident threatened to spit on him, which the resident was unable to remove.

On March 8, 2012, Licensee met with Board staff to discuss the allegations. Licensee stated he was performing a central line procedure on the resident who was challenging, non-cooperative, and he thought the patient was going to assault him by spitting. Licensee stated he "reacted," and "draped a corner of a sheet" over the resident's face because he did not want to interrupt the procedure. Licensee's statement was not corroborated by a witness to the incident, and the evidence established Licensee had other safe, respectful care alternatives he could have employed with this quadriplegic resident.

Multiple witnesses reported that on several occasions, Licensee called the resident derogatory names. These negative or hostile communications were reported as occurring both with staff and in front of the resident.

Multiple witnesses reported that Licensee ignored the resident's requests to stop providing care on more than one occasion, or to provide care differently.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1) (f); and OAR 851-045-0070 (1) (l) and (2) (a) and (b) and (c) and (k), and (4) (b) which read as follows:

678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:
(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of

any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(1) Conduct related to the client's safety and integrity:

(l) Failing to respect the dignity and rights of clients, regardless of social or economic status, age, race, religion, sex, sexual orientation, national origin, nature of health needs, or disability.

(2) Conduct related to other federal or state statute/rule violations:

(a) Abusing a client. The definition of abuse includes, but is not limited to, intentionally causing physical or emotional harm or discomfort, striking a client, intimidating, threatening or harassing a client, wrongfully taking or appropriating money or property, or knowingly subjecting a client to distress by conveying a threat to wrongfully take or appropriate money or property in a manner that causes the client to believe the threat will be carried out.

(b) Neglecting a client. The definition of neglect includes, but is not limited to, carelessly allowing a client to be in physical discomfort or be injured.

(c) Engaging in other unacceptable behavior towards or in the presence of a client such as using derogatory names or gestures or profane language.

(k) Failing to conduct practice without discrimination on the basis of age, race, religion, sex, sexual orientation, national origin, nature of health needs, or disability.

(4) Conduct related to achieving and maintaining clinical competency:

(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

Licensee wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the Registered Nurse license of Daniel Thomas be SUSPENDED for 30 days, commencing five business days from the date this Order is signed by the Oregon State

Board of Nursing.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Licensee understands that in the event he engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against his license, up to and including revocation of his license to practice as a Registered Nurse.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, he waives the right to an administrative hearing under ORS 183.310 to 183.540. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Suspension.

Daniel Thomas RN
Daniel Thomas, RN

3/4/17
Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie
Kay Carnegie, RN, MS
Board President

3/20/13
Date