



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or its 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 § AGREED
Registered Nurse License Number 780625 §
& Vocational Nurse License Number 214511 §
issued to LINDSEY CATHERINE THOMAS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LINDSEY CATHERINE THOMAS, Registered Nurse License Number 780625 and Vocational Nurse License Number 214511, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 11, 2016.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from South Plains College at Reese Center, Lubbock, Texas, on December 14, 2007, and received an Associate Degree in Nursing from Midland College, Midland, Texas, on December 18, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on February 5, 2008, and was licensed to practice professional nursing in the State of Texas on February 2, 2010.

5. Respondent's nursing employment history includes:

| | | |
|-----------------|---------------------------|---|
| 01/08 - 01/10 | Staff LVN | Covenant Medical Center Lubbock, Texas |
| 03/09 - 10/09 | Staff LVN | The Springboard Center Midland, Texas |
| 01/10 - 3/10 | Staff RN/PRN | Scenic Mountain Medical Center Big Spring, Texas |
| 03/10 - 03/13 | Staff RN/ Case Manager | Hospice of Midland, Inc. Midland, Texas |
| 03/13 - 07/13 | Director of Compliance | Hospice of Midland, Inc. Midland, Texas |
| 07/13 - 10/13 | Clinical Director | Hospice of Midland, Inc. Midland, Texas |
| 11/13 - present | unknown | |

6. At the time of the incident, Respondent was employed as the Clinical Director with Hospice of Midland, Inc., Midland, Texas, and had been in that position for one (1) month.
7. On or about August 4, 2014, through August 5, 2014, while employed as the Clinical Director with Hospice of Midland, Inc., Midland, Texas, Respondent failed to report a nurse employee who failed to provide care to a patient who was in severe pain and throwing up blood. Additionally, the patient care giver called the nurse who stated that the patient would need to wait until the morning. As a result, a nurse did not go to the patient's home until noon the next day, and the patient passed away at 4pm. Respondent's conduct was deceptive and denied officials of the State of Texas information needed to regulate safe and effective delivery of nursing care.
8. In response to Finding of Fact Number Seven (7), Respondent states she received a call from a Licensed Social Worker, regarding a patient's condition and need for medical intervention. Respondent states the social worker expressed that the family had made a direct complaint regarding the care provided the previous evening by the weeknight on-call nurse, MF, RN, who told them they would have to wait until the morning.
9. Formal Charges were filed on July 16, 2015.
10. Formal Charges were mailed to Respondent on July 18, 2015.

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(s) of 22 TEX. ADMIN. CODE § 217.11(1)(A), (1)(B) & (1)(K) and 22 TEX. ADMIN. CODE § 217.12(1)(A), (1)(B), (2), (4) & (6)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10) & (13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 780625 and Vocational Nurse License Number 214511, heretofore issued to LINDSEY CATHERINE THOMAS.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION WITH A FINE** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that 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. Home study courses and video programs will not be approved.
- B. 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.
- C. **Modules One (1) through Six (6) of the "Pre-Survey Conference Computer-Based Training" Course for Home and Community Support Services Agencies,** which provides a general overview of state and federal licensure rules regarding home health care and which is presented by the Texas Department of Aging and Disability Services.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-

approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) days of entry of this Order.** 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.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

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 may 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 violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of MAY, 2016.

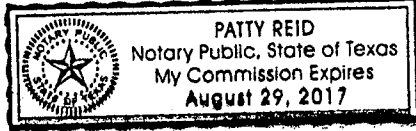
Lindsey Catherine Thomas

LINDSEY CATHERINE THOMAS, Respondent

Sworn to and subscribed before me this 16 day of May, 2016

Patty Reid

SEAL



Notary Public in and for the State of TEXAS

Approved as to form and substance.

Oscar San Miguel

Oscar San Miguel, Attorney for Respondent

Signed this 6th day of June, 2016

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 May, 2016, by LINDSEY CATHERINE THOMAS, Registered Nurse License Number 780625 and Vocational Nurse License Number 214511, and said Order is final.

Effective this 6th day of June, 2016.



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