



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 § AGREED ORDER
Registered Nurse License Number 252411 §
issued to MARY CLAIRE FLOREY §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARY CLAIRE FLOREY, Registered Nurse License Number 252411, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 17, 2020.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Kilgore College, Kilgore, Texas, on May 1, 1980. Respondent was licensed to practice professional nursing in the State of Texas on September 4, 1980.
5. Respondent's nursing employment history includes:

9/1980 – 2/2003 Unknown

Respondent's nursing employment history continued:

3/2003-8/2005	Registered Nurse	Career Care Institute Lancaster, CA
9/2005- 5/2007	Unknown	
6/2007- 9/2015	Registered Nurse	Wichita Technical Institute Wichita, KS
10/2015-8/2017	Unknown	
9/2017- Present	Registered Nurse	Educare Longview, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Educare, Longview, Texas, and had been in that position for two (2) years.
7. On or about September 23, 2019, while employed as a Registered Nurse with Educare/ResCare Longview, Texas, Respondent failed to refer Patient CH to the emergency room and/or notify the patient's physician regarding a change in condition. Specifically, Respondent was notified by text that the patient had been vomiting brown bile colored emesis, had a change in bowel habits, coughing, and had vomited after a tube feeding. After Respondent went to the home and performed an assessment, Respondent documented that the patient had clear lung sounds in the upper lobes only, a heart rate of sixty-eight (68) beats per minute, bowel sounds present in the right lower quadrant, and that bowel sounds were harder to hear in other quadrants due to patient position and contractures. Respondent noted that she was unable to obtain a full set of vitals, as the patient did not want to be moved. Subsequently, the patient expired approximately three (3) hours after Respondent's assessment. Respondent's conduct was likely to injure the patient from lack of appropriate nursing and medical care, including possible demise.
8. Respondent by her signature expresses her desire to voluntarily surrender the licenses.

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.

1. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11 (1)(A),(1)(B),(1)(D),(1)(M),(1)(P),(1)(Q)&(3)(A) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B)&(4).
3. 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 252411, heretofore issued to MARY CLAIRE FLOREY.
4. 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

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 252411 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/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself/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 at least 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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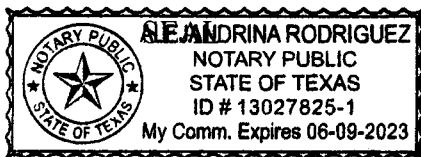
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 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 this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17th day of December, 2020.

Mary Claire Florey
MARY CLAIRE FLOREY, RESPONDENT

Sworn to and subscribed before me this 17 day of December, 2020.



Alejandrina Rodriguez
Notary Public in and for the State of Texas

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 17th day of December, 2020, by MARY CLAIRE FLOREY, Registered Nurse License Number 252411, and said Agreed Order is final.

Effective this 29th day of December, 2020.

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