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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 946542 §
issued to JONATHAN EARL THOMPSON §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JONATHAN EARL THOMPSON, Registered Nurse License Number 946542, 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 March 11, 2019.

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 a Baccalaureate Degree in Nursing from University of Texas Health Science Center, San Antonio, Texas, on May 10, 2018. Respondent was licensed to practice professional nursing in the State of Texas on June 14, 2018.
5. Respondent's nursing employment history includes:

6/2018-11/2018

RN

Methodist Texsan Hospital
San Antonio, TX

Respondent's nursing employment history continued:

11/2018- 2019	RN	Kindred Hospital San Antonio, TX.
01/2019-Present	RN	Fresenius Medical Care N. America San Antonio, TX.
05/2020-Present	RN	US Renal Care San Antonio, TX.

6. At the time of the incident, Respondent was employed as a Registered Nurse with Methodist Texsan Hospital, San Antonio, Texas, and assigned to the Intensive Care Unit (ICU), and had been in that position for three (3) months.
7. On or about October 22, 2018, through October 31, 2018, while employed as a Registered Nurse with Methodist Texsan Hospital, San Antonio, Texas, and assigned to the Intensive Care Unit (ICU), Respondent violated the professional boundaries of the nurse/client relationship in that he gave his personal cell phone number to patient L.P., sent her text messages and later physical contact was involved. Respondent's conduct violated the professional boundaries of the nurse-client relationship and was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient. In addition, Respondent's conduct may have caused delayed distress for the patient, which may not be recognized or felt by the patient until harmful consequences occur.
8. On or about October 22, 2018, through October 31, 2018, while employed as a Registered Nurse with Methodist Texsan Hospital, San Antonio, Texas, and assigned to the Intensive Care Unit (ICU), Respondent left his assignment in Pod A, where he had two patients assigned to him and went to the Pod B to visit patient L.P., who had just been admitted, and with whom he previously provided care and engaged in an inappropriate relationship. Furthermore, patient L.P.'s primary care nurse in Pod B witnessed him visit the patient L.P. on at least two (2) occasions behind closed doors. Respondent's conduct exposed the patients unnecessarily to risk of harm in that leaving his nursing assignment could have resulted in the patients not getting the care needed.
9. In response to Findings of Fact Numbers Seven (7) through Eight (8), Respondent states about a month after her original discharge, she requested him as a friend on Facebook. Respondent states he noticed they had a mutual friend that worked in the ICU and given the fact that she was also a Registered Nurse, he saw no harm in approving the friend request. Respondent states upon approving the request she messaged him on Facebook messenger and they began to exchange messages. Respondent states he was genuinely interested in her recovery and friendship developed. Respondent states their friendship progressed and they made plans to meet for lunch on a couple of occasions, but they never did meet. Respondent states they continued to exchange messages and she

eventually messaged him her cell phone number. Respondent states he replied with his cell phone number. Respondent states they exchanged messages for a few more days and she was subsequently readmitted to the ICU at Methodist Texsan Hospital around October 29th, 2018. Respondent states he was in the room for approximately two minutes. Respondent states regarding the text messages, they were exchanged between two consenting adults. Respondent states since a friendship had developed, he decided to pay her visit on a day that he returned to work. Respondent states while working he found a moment during which he was able to visit her. Respondent states he was in the room for approximately two minutes.

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)(I)&(1)(J) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(D)&(12).
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 946542, heretofore issued to JONATHAN EARL THOMPSON.
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 that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** 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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrderslindex.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. 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 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. **The course "Professional Boundaries in Nursing."** a 3.0 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/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.*

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any prior to accepting an offer of employment.

- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order.

RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

C. Incident Reporting for Current Employers: For so long as PETITIONER remains employed as a RN with US Renal Care, San Antonio, Texas, and/or as a RN with Fresenius Medical Care No. America, San Antonio, Texas, PETITIONER SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving PETITIONER, as well as documentation of any internal investigations regarding action by PETITIONER, to the attention of Monitoring at the Board's office.

Indirect Supervision for Subsequent Employers, if any: Should RESPONDENT'S current employment as a RN with US Renal Care, San Antonio, Texas, and as a RN with Fresenius Medical Care No. America, San Antonio, Texas cease or change, prior to completing the year [four (4) quarters] of employment as a Nurse under this order: 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 of 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.

- D. Nursing Performance Evaluations:** 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, 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 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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 29th day of May, 2021

[Signature]
JONATHAN EARL THOMPSON, Respondent

Sworn to and subscribed before me this 29th day of May, 2021

SEAL

David R. Aden
Notary Public
Louisiana Bar No. 30373
My Commission is for Life

[Signature]
Notary Public in and for the State of LA

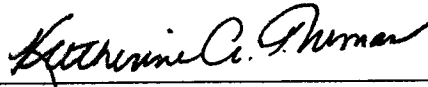
Approved as to form and substance.

[Signature]
David Aden, Attorney for Respondent

Signed this 29th day of May, 2021

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of May, 2021, by JONATHAN EARL THOMPSON, Registered Nurse License Number 946542, and said Agreed Order is final.

Effective this 22nd day of July, 2021.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", written over a horizontal line.

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