



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.  
*Stephanie A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of  
THERESA MARIE MCCARTHA,  
Registered Nurse License Number 1000110

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ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of THERESA MARIE MCCARTHA, Registered Nurse License Number 1000110, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived 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. Respondent's license to practice as a professional nurse in the State of Texas is in delinquent status.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent received an Associate Degree in Nursing from Jefferson Community College, Watertown, New York, on May 1, 2007. Respondent was licensed to practice professional nursing in the State of Texas on June 17, 2020.
4. Respondent's nursing employment history is unknown.
5. Formal Charges were filed on November 19, 2020. A copy of the Formal Charges, dated November 19, 2020, is attached and incorporated herein by reference as part of this Order.
6. On January 26, 2022, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated January 26, 2022, is attached and incorporated herein by reference as part of this Order.

### **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 1000110, heretofore issued to THERESA MARIE MCCARTHA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
6. 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.

### **TERMS OF ORDER**

NOW, THEREFORE, IT IS ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 1000110 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 ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 26<sup>th</sup> day of January, 2022



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

**In the Matter of  
Permanent Registered Nurse**

**License Number 1000110**

**Issued to THERESA MARIE MCCARTHA,  
Respondent**

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**BEFORE THE TEXAS  
BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, THERESA MARIE MCCARTHA, is a Registered Nurse holding license number 1000110 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 11, 2020, Respondent's license to practice registered nursing in the State of New York was issued a Consent Order by the New York Education Department office of Professional Discipline State Board of Nursing. A copy of the Consent Order dated February 11, 2020, is attached and incorporated herein by reference.

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

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) 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.

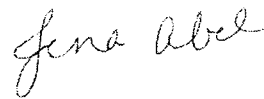
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

Filed this 19<sup>th</sup> day of November, 2020.

TEXAS BOARD OF NURSING



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

Jena Abel, Deputy General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 24036103

Helen Kelley, Assistant General Counsel  
State Bar No. 24086520

Brian L. Miller, Jr., Assistant General Counsel  
State Bar No. 24117478

JoAnna Starr, Assistant General Counsel  
State Bar No. 24098463

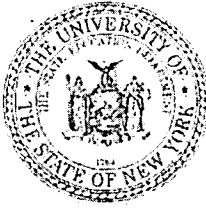
Jacqueline A. Strashun, Assistant General Counsel  
State Bar No. 19358600

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
F: (512) 305-8101 or (512) 305-7401

Attachment: Consent Order by the New York Education Department office of Professional Discipline State Board of Nursing

D(2020.10.30)



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF THE PROFESSIONS  
DIVISION OF PROFESSIONAL LICENSING SERVICES  
Public Information Unit  
Tel: (518) 474-3817 EXT: 330  
Fax: (518) 473-0578  
E-mail: DPLSOSU@NYSED.GOV

STATE OF NEW YORK )

SS:

COUNTY OF ALBANY )

In accordance with the Civil Practice Law and Rules Article 45, I, Sandra Barsallo, Education Credentials Specialist 1 in the Division of Professional Licensing Services of the New York State Education Department, have caused this certificate to be prepared. I certify that I have legal custody of the official original records of the Division of Professional Licensing Services and I attest that the attached are true, complete and correct copies of the original documents in our files relating to the licensure of THERESA MARIE MCCARTHA.

Witness my hand and the seal of the New York State Education Department this 23 July, 2020.

Sandra Barsallo, Education Credentials Specialist 1  
Professional Licensing Services

DATED  
07/23/2020



The University of the State of New York

IN THE MATTER

OF

**THERESA MARIE McCARTHA**  
(Registered Professional Nurse)

**ORIGINAL**  
**VOTE AND ORDER**  
**NO. 31480**

Upon the application of THERESA MARIE McCARTHA, under Calendar No. 31480 which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

**VOTED (February 11, 2020):** That the application of THERESA MARIE McCARTHA, respondent, for a consent order be granted; and that the Deputy Commissioner for the Professions be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

**and it is**

**ORDERED:** That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

**ORDERED** that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

THERESA MARIE MCCARTHA (31480)

IN WITNESS WHEREOF, I, Douglas E. Lentivech, Deputy Commissioner for the Professions, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand, at the City of Albany, this 11th day of February, 2020.



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DOUGLAS E. LENTIVECH  
DEPUTY COMMISSIONER  
FOR THE PROFESSIONS

NEW YORK STATE EDUCATION DEPARTMENT  
OFFICE OF PROFESSIONAL DISCIPLINE  
STATE BOARD FOR NURSING

IN THE MATTER

of the

Disciplinary Proceeding

Against

**THERESA MARIE MCCARTHA**

APPLICATION FOR  
CONSENT ORDER

CAL. NO. 31480

who is currently licensed to practice  
as a registered professional nurse  
in the State of New York.

**THERESA MARIE MCCARTHA** states:

That on or about September 26, 2007, I was licensed to practice  
as a registered professional nurse in the State of New York, having  
been issued license number 592664 by the New York State Education  
Department.

I am currently registered with the New York State Education  
Department to practice as a registered professional nurse in the  
State of New York from an address at 49 South Woods Road, Rossie,  
New York 13646.

That I have been charged with one (1) specification of  
professional misconduct, a copy of which is annexed hereto, made a  
part hereof, and marked as Exhibit "A".

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THERESA MARIE MCCARTHUR

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I do not contest the aforesaid one (1) specification of misconduct, charging me with practicing the profession of nursing with negligence on more than one occasion (medication administration errors).

I hereby agree to the penalty that my license to practice as a registered professional nurse in the State of New York be suspended indefinitely and until, at my expense, I submit a written report from a physician, psychologist, licensed clinical social worker, or nurse practitioner (psychiatry) selected by me and previously approved, in writing, by the New York State Education Department, to the Director, Office of Professional Discipline, New York State Education Department, 1411 Broadway - 10<sup>th</sup> Floor, New York, New York 10018-3496, in which said physician, psychologist, licensed clinical social worker, or nurse practitioner (psychiatry) shall verify that I am fit to practice as a registered professional nurse in the State of New York, and that said suspension shall continue until the Director is satisfied that I am fit to practice at which time said Director shall notify me of the termination of the suspension of my license and the effective date thereof.

THERESA MARIE MCCARTHUR

I further agree that, upon termination of the suspension of my aforesaid license, I shall be placed on probation for a period of two (2) years, said probation to commence upon my return to the practice of nursing in the State of New York, under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B"; and that I shall be fined five hundred (\$500) dollars, said fine to be paid by certified or bank cashier's check, made payable to the order of the New York State Education Department, to be delivered to the Director, Office of Professional Discipline, New York State Education Department, 1411 Broadway - 10<sup>th</sup> Floor, New York, New York 10018-3496, within the first six (6) months after the effective date of the service of the Order to be issued in this matter.

I further agree to inform the Director, Office of Professional Discipline, of my return to the practice of nursing in the State of New York, by certified mail, return receipt requested, addressed to said Director at the aforesaid address, at least seven (7) days before my return to the practice of nursing in the State of New York.

I hereby make this application to the Board of Regents and request that it be granted.

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THERESA MARIE MCCARTHA

I understand that in the event that the Board of Regents denies the application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. Such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that in the event the Board of Regents grants my application, as set forth herein, an Order may be issued in accordance with the same. I understand that if and when the Board of Regents grants this application, the entire application shall become a matter of public record.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

  
Respondent

EXHIBIT "A"

THERESA MARIE MCCARTHA

SPECIFICATION OF PROFESSIONAL MISCONDUCT

Respondent is charged with practicing the profession of nursing with negligence on more than one occasion, within the purview and meaning of New York Education law section 6509(2), in that:

- a. Respondent, while employed as a registered professional nurse at Samaritan Medical Center in Watertown, New York, on or about December 11, 2018 through December 23, 2018 failed to document the administration and/or wasting of the medications Oxycodone, Percocet and Hydrocodone to nine (9) patients;
- b. Respondent, while employed as a registered professional nurse at Gouverneur Hospital in Gouverneur, New York, on or about February 1, 2019 through February 20, 2019 failed to document the administration and/or wasting of the medications Oxycodone, and Hydrocodone to seven (7) patients.

EXHIBIT "B"

TERMS OF PROBATION

**THERESA MARIE MCCARTHA**

CALENDAR NO. 31480

1. That respondent, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing respondent's profession;
2. That respondent shall submit written notification to the New York State Education Department, addressed to the Director, Office of Professional Discipline, New York State Education Department, 1411 Broadway - 10<sup>th</sup> Floor, New York, New York 10018-3496, of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
3. That respondent shall, during the period of probation, abstain from the unauthorized use of all drugs, and shall be fit to practice her profession;
4. That respondent shall within the first six (6) months of the probationary period, at respondent's expense, submit and successfully complete a plan of continuing education, consisting of coursework in medication administration, record keeping and ethics, to update the knowledge and skills of respondent, said plan to have the prior written approval of the New York State Education Department; and shall submit written proof of such successful completion within 30 days after the completion of the plan to the New York State Education Department, addressed to the Director, Office of Professional Discipline, as aforesaid;
5. That respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by respondent to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, no later than the first three (3) months of the period of probation;



NEW YORK STATE EDUCATION DEPARTMENT  
OFFICE OF PROFESSIONAL DISCIPLINE  
STATE BOARD FOR NURSING

-----X

P2

IN THE MATTER

of the

Disciplinary Proceeding

APPLICATION FOR  
CONSENT ORDER

Against

CHERESA MARIE MCCARTHA

CAL. NO. 31480

who is currently licensed to practice  
as a registered professional nurse  
in the State of New York.

-----X

The undersigned agree to the above statement and to the  
proposed penalty based on the terms and conditions thereof.

Dated: \_\_\_\_\_, 2019

Cheresa McCarthy 7/29/19  
Respondent

Dated: \_\_\_\_\_, 2019

~~ATTORNEY SIGNATURE NOT REQUIRED;  
RESPONDENT APPEARED PRO SE.~~  
Attorney for Respondent

Dated: Aug 10, 2019

Margaret A Chase RN  
Member of the State Board  
for Nursing

Dated: 8/16, 2019

[Signature]  
Acting Executive Director  
Office of Professional Discipline

The undersigned, a member of the Board of Regents who has been  
designated by the Chairman of the Regents Committee on Professional  
Practice to review this Application for a Consent Order, has  
reviewed said Application and recommends to the Board of Regents  
that the Application be granted.

Dated: 10/17, 2019

J Cottrell  
Member, Board of Regents

MBR:djk



THERESA MARIE MCCARTHA  
Po Box 391, Rockport, TX 78382  
RN LICENSE NUMBER 1000110

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse in Texas. Accordingly, I voluntarily surrender my license(s) to practice nursing in the State of Texas. I consent to the entry of an Order with findings reflecting the alleged conduct and which outlines requirements for reinstatement of my license. I understand that I can be represented by an attorney in this matter. I waive attorney representation, notice, administrative hearing, and judicial review of the Order entered by the Board. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature: Theresa M. McCarthy

Date: 11/26/2022

RN LICENSE NUMBER 1000110

The State of Texas

Before me, the undersigned authority, on this date personally appeared THERESA MARIE MCCARTHA who, being duly sworn by me, stated that he or she executed the above for the purpose therein contained and that he or she understood same.