

BEFORE THE TEXAS BOARD OF NURSING



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.  
Executive Director of the Board

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In the Matter of License Number 562819 § AGREED  
issued to CYNTHIA ARLENE THOMAS-STONE § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted voluntary surrender of Nurse License Number 562819, issued to CYNTHIA ARLENE THOMAS-STONE hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference 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.
2. Respondent waived representation by counsel, notice and hearing, and agreed to the entry of this Order.
3. Respondent holds a license to practice professional nursing in the State of Texas, which is in delinquent status.
4. Respondent received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on May 1, 1990. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1990.
5. Respondent's professional nursing employment history includes:

8/90 - 10/92	Unknown	
11/92 - 12/96	Staff Nurse	Methodist Health Care System San Antonio, Texas

Respondent's professional nursing employment history continued:

1/97 - 11/98	Staff Nurse	Center for Cosmetic Surgery San Antonio, Texas
12/98 - 6/99	Unknown	
7/99 - 7/00	Staff Nurse	Gonzaba Surgical Center San Antonio, Texas
7/00 - 12/00	Travel Nurse	Supplemental Health Care Travel Nurse Tonawanda, New York
1/01 - 12/03	Circulator Nurse	OMV Medical Inc. San Antonio, Texas
12/03 - 6/05	Staff Nurse	Neurosurgical Associates of San Antonio San Antonio, Texas
7/05 - 2/07	Staff Nurse	Assured Home Health San Antonio, Texas
3/07 - present	Not employed in nursing	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Neurosurgical Associates of San Antonio, Texas, and had been in this position for one (1) year and six (6) months.
7. On or about April 19, 2005, while employed with Neurosurgical Associates of San Antonio, San Antonio, Texas, Respondent engaged in the intemperate use of Amphetamine, Methamphetamine, Nordiazepam, and Oxazepam in that she submitted a specimen for a drug screen which resulted positive for Amphetamine, Methamphetamine, Nordiazepam, and Oxazepam. Possession of Amphetamine, Methamphetamine, Nordiazepam, and Oxazepam without valid prescriptions are prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Amphetamine, Methamphetamine, Nordiazepam, and Oxazepam by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. On or about August 9, 2005, Respondent engaged in the intemperate use of Oxazepam in that she submitted a specimen for a drug screen which resulted positive for Oxazepam. Possession of Oxazepam without a valid prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Oxazepam by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about December 28, 2005, Respondent submitted a forged Professional Reference Request to AMN Healthcare, San Diego, California, which provided false and deceptive information about her previous employment with Neurosurgical Associates of San Antonio where she had been terminated April 27, 2005, and signed or stamped the name of Donald P. Atkins, M.D., on the request, without his permission. Respondent's conduct was deceiving and may have affected AMN Healthcare's decision to employ her.
10. At the time of the initial incident in Findings of Fact Number Eleven (11), Respondent was employed as a Staff Nurse with Assured Home Health, San Antonio, Texas, and had been in this position for two (2) months.
11. On or about September 28, 2005 through January 10, 2007, while employed with Assured Home Health, San Antonio, Texas, Respondent failed to do fourteen (14) home health visits for Patient EC as ordered by the physician. Respondent's failure to conduct home health visits, including assessment of Patient EC's condition, deprived the physician of essential information on which to base on-going medical care and deprived the patient of medical intervention in the event of a change in the condition.
12. On or about February 10, 2007, while employed with Assured Home Health, San Antonio, Texas, Respondent submitted fourteen (14) fraudulent skilled nurses notes for home health visits of Patient EC that she did not actually make. Respondent fraudulently documented a full nursing assessment which included vital signs and nursing interventions. Respondent's conduct was deceiving and resulted in an inaccurate medical record on which subsequent caregivers would rely to provide on-going medical care.
13. On or about September 28, 2006 through January 18, 2007, while employed with Assured Home Health, San Antonio, Texas, Respondent submitted time sheets indicating hours worked and mileage reimbursement requests for fourteen (14) home health visits for Patient EC that she did not actually make. Respondent's conduct was deceiving and defrauded Assured Home Health of monies for home health visits that were not actually made.

14. On or about September 16, 2006, while employed with Assured Home Health, San Antonio, Texas, Respondent submitted a forged and altered Tuberculosis Screening Evaluation Report which indicated negative results. Respondent used another staff member's Tuberculosis Screening Evaluation Report, changed the name to reflect her name and then altered the date and submitted the form to Assured Home Health for proof of tuberculous screening. Respondent's conduct was deceiving to Assured Home Health.
15. Charges were filed on May 21, 2007.
16. Charges were mailed to Respondent on May 24, 2007.
17. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
18. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
19. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### 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 a violations of Section 301.452(b)(9), (10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B)(D), (3)(A). and 22 TEX. ADMIN. CODE §217.12(6)(A)(G)(H) & (10)(A)(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 562819, heretofore issued to CYNTHIA ARLENE THOMAS-STONE, including revocation of Respondent's professional license 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 License Number 562819, heretofore issued to CYNTHIA ARLENE THOMAS-STONE, 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 immediately deliver the wallet-sized license, heretofore issued to CYNTHIA ARLENE THOMAS-STONE, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself 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.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. 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 multistate privilege, 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 violations 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 3 day of Dec, 2007.

*Cynthia Arlene Thomas Stone*  
CYNTHIA ARLENE THOMAS-STONE, Respondent

Sworn to and subscribed before me this 3<sup>rd</sup> day of December, 2007.



*Chris Finger*  
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 accept the voluntary surrender of Registered Nurse License Number 562819, previously issued to CYNTHIA ARLENE THOMAS-STONE.

Effective this 4th day of December, 2007.

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

In the Matter of Permanent License § BEFORE THE BOARD  
Number 562819, Issued to § OF NURSE EXAMINERS  
CYNTHIA ARLENE THOMAS-STONE, Respondent § FOR THE STATE OF TEXAS

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CYNTHIA ARLENE THOMAS-STONE, is a Registered Nurse holding license number 562819, 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 April 19, 2005, while employed with Neurosurgical Associates of San Antonio, San Antonio, Texas, Respondent engaged in the intemperate use of Amphetamine, Methamphetamine, Nordiazepam, and Oxazepam in that she submitted a specimen for a drug screen which resulted positive for Amphetamine, Methamphetamine, Nordiazepam, and Oxazepam. Possession of Amphetamine, Methamphetamine, Nordiazepam, and Oxazepam without valid prescriptions are prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Amphetamine, Methamphetamine, Nordiazepam, and Oxazepam by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) & (D).

#### CHARGE II.

On or about August 9, 2005, Respondent engaged in the intemperate use of Oxazepam in that she submitted a specimen for a drug screen which resulted positive for Oxazepam. Possession of Oxazepam without a valid prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Oxazepam by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) & (D).

### CHARGE III.

On or about December 28, 2005, Respondent submitted a forged Professional Reference Request to AMN Healthcare, San Diego, California, which provided false and deceptive information about her previous employment with Neurosurgical Associates of San Antonio where she had been terminated April 27, 2005, and signed or stamped the name of Donald P. Atkins, M.D., on the request, without his permission. Respondent's conduct was deceiving and may have affected AMN Healthcare's decision to employ her.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(A) & (H).

### CHARGE IV.

On or about September 28, 2005 through January 10, 2007, while employed with Assured Home Health, San Antonio, Texas, Respondent failed to do fourteen (14) home health visits for Patient EC as ordered by the physician. Respondent's failure to conduct home health visits, including assessment of Patient EC's condition, deprived the physician of essential information on which to base on-going medical care and deprived the patient of medical intervention in the event of a change in the condition.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B) & (3)(A) and §217.12(1)(B) & (4).

### CHARGE V.

On or about February 10, 2007, while employed with Assured Home Health, San Antonio, Texas, Respondent submitted fourteen (14) fraudulent skilled nurses notes for home health visits of Patient EC that she did not actually make. Respondent fraudulently documented a full nursing assessment which included vital signs and nursing interventions. Respondent's conduct was deceiving and resulted in an inaccurate medical record on which subsequent caregivers would rely to provide on-going medical care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B) & (1)(D) and §217.12(1)(A), (1)(B), (1)(C), (4), (6)(A) & (6)(H).

### CHARGE VI.

On or about September 28, 2006 through January 18, 2007, while employed with Assured Home Health, San Antonio, Texas, Respondent submitted time sheets indicating hours worked and mileage reimbursement requests for fourteen (14) home health visits for Patient EC that she did not actually make. Respondent's conduct was deceiving and defrauded Assured Home Health of monies for home health visits that were not actually made.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(A), (6)(G) & (6)(H).

### CHARGE VII.

On or about September 16, 2006, while employed with Assured Home Health, San Antonio, Texas, Respondent submitted a forged and altered Tuberculosis Screening Evaluation Report which indicated negative results. Respondent used another staff member's Tuberculosis Screening Evaluation Report, changed the name to reflect her name and then altered the date and submitted the form to Assured Home Health for proof of tuberculous screening. Respondent's conduct was deceiving to Assured Home Health.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(A) & (H).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

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.bne.state.tx.us](http://www.bne.state.tx.us).

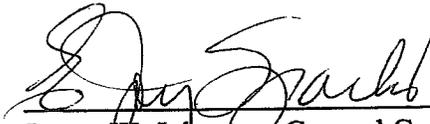
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NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency, and for Falsification, Fraud, Theft & Deception which can be found at the Board's website, www.bne.state.tx.us.

Filed this 21<sup>st</sup> day of May, 2007.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS



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

Victoria Cox, Assistant General Counsel  
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel  
State Bar No. 18874600

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305.8101 or (512)305-7401

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<p>1. Article Addressed to:</p> <p>Cynthia Arlene Thomas-Stone c/o Philip Earl Jones, USA RET Attorney at Law 111 Soledad St. Suite 300 San Antonio, Texas 78205 (CAS)</p>	<p>B. Received by (Printed Name)</p> <p><i>Donna My</i></p>	<p>C. Date of Delivery</p> <p><i>5/30</i></p>
<p>2. Article Number (Transfer from service label)</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>7006 2760 0001 9422 3973</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
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