



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 Registered Nurse § AGREED
License Number 572687 and §
Vocational Nurse License Number 61690 §
issued to CYNTHIA GAYLE LUTHER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CYNTHIA GAYLE LUTHER, Registered Nurse License Number 572687 and Vocational Nurse License Number 61690, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 26, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

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.
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.
4. Respondent received a Certificate in Vocational Nursing from Bryan Vocational School of Nursing, Bryan, Texas, on September 3, 1974, and received an Associate Degree in Nursing from Galveston College, Galveston, Texas, on May 17, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on October 29, 1974, and was licensed to practice professional nursing in the State of Texas on August 26, 1991.

5. Respondent's nursing employment history includes:

10/1974 - 12/1990	Unknown	
1/1991 - 9/1991	Staff Nurse	The University of Texas Medical Branch (UTMB) Galveston, Texas
10/1991 - 5/1997	Unknown	
6/1997 - 8/1998	Director of Nurses	South Wood Nursing Home Bryan, Texas
9/1998 - 5/2006	Staff Nurse	UTMB Correctional Managed Care (UTMB-CMC) Galveston, Texas, assigned to Texas Dept. of Criminal Justice (TDCJ) Luther Unit Navasota, Texas
3/2003 - 5/2006	Staff Nurse	Crestview Retirement Center Bryan, Texas
6/2006 - 7/2007	Staff Nurse	UTMB-CMC, Galveston, Texas, assigned to TDCJ Hamilton Unit Bryan, Texas
8/2007 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with UTMB-CMC, Galveston, Texas, assigned to TDCJ, Hamilton Unit, Bryan, Texas, and had been in this position for one (1) year and ten (10) months.

7. On or about April 20, 2007, while employed as a Staff Nurse with UTMB-CMC, Galveston, Texas, and assigned to TDCJ, Hamilton Unit, Bryan, Texas, Respondent provided emergency rescue breathing and resuscitation of Inmate Number 338347 that may not have been effective after arriving at the inmate's cell and determining that the inmate was unresponsive, cyanotic, diaphoretic and with a weak/thready pulse and agonal respirations. Respondent placed the inmate on a stretcher for transport to the medical clinic and continued to provide rescue breathing and resuscitation that may not have been effective. Shortly after arrival at the medical unit, Emergency Medical Services personnel arrived and were not able to successfully intubate the inmate after three (3) attempts. The inmate died approximately thirty-five (35) minutes after he was transported to a local hospital. Respondent's conduct may have contributed to ineffective resuscitation of the inmate.

8. On or about April 20, 2007, while employed as a Staff Nurse with UTMB-CMC, Galveston, Texas, and assigned to TDCJ, Hamilton Unit, Bryan, Texas, Respondent failed to document in the medical record of the aforementioned Inmate Number 338347 that she provided rescue breaths to the inmate immediately after determining that the inmate's breathing was agonal. Respondent's conduct resulted in an incomplete medical record.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that in her more than nine (9) years employment with the prison this was the first emergency situation she had encountered, and that she knows in her heart that she did the best that she could under the circumstances.

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 of Section 301.452(b)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(D)&(1)(M).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 572687 and Vocational Nurse License Number 61690, heretofore issued to CYNTHIA GAYLE LUTHER, including revocation of Respondent's licenses to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT SHALL 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the

course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within sixty (60) days of entry of this Order, successfully complete a course in Basic Cardiopulmonary Life Support for Healthcare Providers. RESPONDENT SHALL obtain Board approval of the course and instructor prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The course shall be a minimum of eight (8) contact hours in length. The course's content shall include: Adult, Infant, and Child 1- and 2-Rescuer CPR; Adult, Infant, and Child Foreign Body Airway Obstruction for both responsive and unresponsive victims; and Adult Automated External Defibrillation. In order to receive credit for completion of this workshop, RESPONDENT SHALL obtain the Verification of Course Completion form from the Board's website, <ftp://www.bon.state.tx.us/i17.pdf>, and SHALL SUBMIT the Verification of Course Completion form to the Board's office, to the attention of Monitoring, after

having the form completed and signed by the course instructor. RESPONDENT SHALL also submit a front and back copy of the course completion card along with the Verification of Course Completion form. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address:*
<http://www.learningext.com/products/generalce/critical/ctabout.asp>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's licenses and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

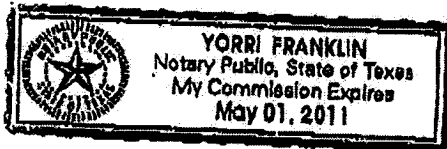
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 revocation of my licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19th day of June, 2009.

Cynthia Gayle Luther
CYNTHIA GAYLE LUTHER, Respondent

Sworn to and subscribed before me this 19th day of June, 2009.

SEAL



Yorri Franklin
Notary Public in and for the State of Texas

Approved as to form and substance.
[Signature]

Louis Leichter, Attorney for Respondent

Signed this 19 day of June, 2009.

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 19th day of June, 2009, by CYNTHIA GAYLE LUTHER, Registered Nurse License Number 572687 and Vocational Nurse License Number 61690, and said Order is final.

Effective this 22nd day of June, 2009.



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