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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 735567 § AGREED
and Vocational Nurse License Number 159750 §
issued to CYNTHIA VADEN THERIOT § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of CYNTHIA VADEN THERIOT, Registered Nurse License Number 735567 and Vocational Nurse License Number 159750, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code. Respondent waived, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 13, 2008, 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 conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Wharton County Junior College, Wharton, Texas, on August 9, 1996, and an Associate Degree in Nursing from Lamar University, Port Arthur, Texas, on May 12, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on October 2, 1996, and was licensed to practice professional nursing in the State of Texas on November 21, 2006.

5. Respondent's professional and vocational nursing employment history includes:

09/96 - 10/97	GVN/LVN	Kelsey Seybold Clinics Houston, Texas
10/97 - 12/98	Pre-Certification Nurse - LVN	Avanti Healthcare Houston
12/98 - 01/99	Not Employed in Nursing	
01/99 - 05/99	LVN Case Manager	HPA One Houston, Texas
05/99 - 02/07	Not Employed in Nursing	
02/07 - 05/07	RN	Christus St Elizabeth Beaumont, Texas
05/07 - 10/07	Not Employed in Nursing	
10/07 - 04/08	RN	Medical Center of Southeast Texas Port Arthur, Texas
04/08 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse in the Medical/Surgical Unit at Medical Center of Southeast Texas, Port Arthur, Texas, and had been in this position for approximately five (5) months.
7. On or about March 26, 2008, while employed as a Registered Nurse at Medical Center of Southeast Texas, Port Arthur, Texas, Respondent left her nursing assignment for two (2) hours, without notifying the appropriate personnel. Respondent's conduct failed to promote a safe environment in that her absence during that two (2) hour period left the facility without an appropriate number of licensed personnel to provide nursing care to her assigned patients.
8. On or about March 26, 2008, while employed as a Registered Nurse at Medical Center of Southeast Texas, Port Arthur, Texas, Respondent lacked fitness to practice professional nursing in that she was found sleeping in her vehicle. When awakened, Respondent stated, "I was asleep for 2 hours". Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states: She recognized that she was sleepy on March 26, 2008, and took a break to get some fresh air and rest. She reported to her charge nurse, Ms. Ferguson, that she was leaving the unit for her break. She fell asleep during that time in her car. Ms. Ferguson awakened her and confirmed that there was no alcohol in her possession. A drug screen was not done, as there was no evidence that she was impaired. Her fitness to practice was not impaired. She was aware of her duty to provide safe care and chose to take a break to avoid doing patient care interventions when she was feeling sleepy. She did notify her charge nurse that she was leaving the unit, therefore she did not abandon her patients.

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 violations of Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(E)&(12).
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 735567 and Vocational Nurse License Number 159750, heretofore issued to CYNTHIA VADEN THERIOT, including revocation of Respondent's licenses to practice professional and vocational 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 WITH A FINE, 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 privilege, if any, to practice professional and vocational 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 pay a monetary fine in the amount of two hundred and fifty (\$250) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(2) 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) contact 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>.

(3) 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, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

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 professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of January, 2009.
Cynthia Vaden Theriot
CYNTHIA VADEN THERIOT, Respondent

Sworn to and subscribed before me this 16 day of January, 2009.

SEAL

Stephanie N. McClain
Notary Public in and for the State of Texas



Approved as to ~~form~~ and substance.

[Signature]

ELIZABETH HIGGINBOTHAM, Attorney for Respondent

Signed this 17 day of Jan, 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 16th day of January, 2008, by CYNTHIA VADEN THERIOT, Registered Nurse License Number 735567 and Vocational Nurse License Number 159750, and said Order is final.

Effective this 4th day of February, 2009.


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

