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Patricia P. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse §
License Number 134915 §
issued to MARY LUE THORNTON §

ORDER OF THE BOARD

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 134915, issued to MARY LUE THORNTON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal conference, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal conference, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Angelina College, Lufkin, Texas, on July 11, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on December 3, 1991.

4. Respondent's nursing employment history includes:

12/1991 - 12/1992	Staff Nurse	Memorial Center of East Texas Lufkin, Texas
01/1993 - 03/1993	Unknown	
04/1993 - 01/1995	Staff Nurse	Angelina Nursing Home Lufkin, Texas

Respondent's nursing employment history continued:

01/1995 - 02/1995	Assistant Director of Nursing	South Meadows Nursing Home Diboll, Texas
03/1995 - 05/1995	Unknown	
06/1995 - 04/1998	Staff Nurse	Diboll Correctional Center Diboll, Texas
05/1998 - 12/1998	Unknown	
01/1999 - 09/1999	Staff Nurse	Diboll Correctional Center Diboll, Texas
10/1999	Unknown	
11/1999 - 06/2001	Staff Nurse	The University of Texas Medical Branch Correctional Managed Care (UTMB-CMC) Galveston, Texas, assigned to Texas Department of Criminal Justice (TDCJ) Ferguson Unit, Midway, Texas
07/2001 - 05/2002	Staff Nurse	UTMB-CMC, Galveston, Texas assigned to TDCJ Goodman Facility, Jasper, Texas
06/2002 - 05/2003	Staff Nurse	UTMB-CMC, Galveston, Texas assigned to TDCJ Gib Lewis Facility, Woodville, Texas
05/2003 - Unknown	Staff Nurse	UTMB-CMC, Galveston, Texas assigned to TDCJ Diboll Unit, Diboll, Texas
Unknown - 08/2006	Staff Nurse	UTMB-CMC, Galveston, Texas assigned to TDCJ Estelle Unit, Huntsville, Texas
09/2006 - Present	Not employed in nursing	

5. On or about October 3, 2006, through June 29, 2007, Respondent was provided notice of alleged violations of the Nursing Practice Act of the State of Texas, as follows:

A. On or about October 27, 2001, while employed with UTMB Correctional Managed Care, Galveston, Texas, and assigned to Texas Department of Criminal Justice - Lewis Unit, Woodville, Texas, Respondent failed to:

- Report signs and symptoms of possible adverse chemical side effects from the ingestion of an unknown substance by Inmate Number 850488, even though Respondent documented the inmate was disoriented, had dilated pupils with unsteady gait and that the inmate's diastolic blood pressure exceeded 95 mm Hg; and
- Institute nursing interventions required to stabilize the inmate's condition and/or prevent complications.

Respondent's conduct was likely to injure the inmate from further changes or declines in condition, including possible demise.

B. On or about May 7, 2002, through May 29, 2002, while employed with UTMB Correctional Managed Care, Galveston, Texas, and assigned to Texas Department of Criminal Justice Goodman Facility, Jasper, Texas, Respondent failed to document in the medical records the administration of treatments to inmates, as follows:

Inmate Numbers	Dates with no documented administration of treatments by Respondent
1059946	5/27/02, 5/28/02 & 5/29/02
720579	5/15/02
1065642	5/21/02, 5/22/02, 5/23/02, 5/24/02 & 5/27/02
1042945	5/7/02, 5/8/02, 5/9/02, 5/10/02, 5/12/02, 5/13/02, 5/15/02, 5/16/02, 5/20/02, 5/21/02, 5/22/02 & 5/27/02

Respondent's conduct resulted in incomplete medical records and was likely to injure inmates in that subsequent care givers would not have accurate information on which to base their care decisions.

C. On or about May 15, 2002, while employed with UTMB Correctional Managed Care, Galveston, Texas, and assigned to Texas Department of Criminal Justice Goodman Facility, Jasper, Texas, Respondent inappropriately confiscated the Albuterol inhaler belonging to Inmate Number 1074362, in retaliation, after the inmate refused his medical appointment for chronic clinic. Respondent's conduct may have been emotionally abusive and was likely to injure the inmate from adverse effects of possible acute exacerbation of reactive airway disease, which could have placed the inmate at risk of demise.

D. On or about April 4, 2003, while employed with UTMB Correctional Managed Care, Galveston, Texas, and assigned to Texas Department of Criminal Justice Gib Lewis Facility, Woodville, Texas, Respondent used unauthorized major force by threat of calling security in order to coerce Inmate Number 921382 into allowing Respondent

to place pressure on his bleeding toe, even after the inmate verbally instructed her not to touch it. After an altercation, Respondent instructed security to get the inmate out of the clinic, with his toe still bleeding, but failed to notify a physician or provider that the inmate had been returned to his cell with a bleeding wound. Respondent's conduct may have been emotionally abusive and exploited the inmate's vulnerability through the threat of use of physical force.

- E. On or about June 1, 2003, and on June 3, 2003, while employed with UTMB Correctional Managed Care, Galveston, Texas, and assigned to Texas Department of Criminal Justice Diboll Unit, Diboll, Texas, Respondent on two (2) different occasions failed to administer Drixoral to Inmate Number 696678 as ordered, even after the inmate informed Respondent that he had been receiving the Drixoral from other staff. Respondent's conduct was likely to injure the inmate from non-efficacious care.
- F. On or about June 25, 2003, while employed with UTMB Correctional Managed Care, Galveston, Texas, and assigned to Texas Department of Criminal Justice Diboll Unit, Diboll, Texas, Respondent failed to contact the physician in order to clarify an order to administer Podophyllin to Inmate Number 915519 even after being instructed to do so by the facility's Nurse Manager. As a result, the inmate may not have received the correct dose of Podophyllin, as ordered. Respondent's conduct was likely to injure the inmate from non-efficacious care.
- G. On or about October 3, 2003, while employed with UTMB Correctional Managed Care, Galveston, Texas, and assigned to Texas Department of Criminal Justice Diboll Unit, Diboll, Texas, Respondent failed to notify security or report that an inmate was masturbating in public while waiting in the medical waiting room. Respondent's conduct was negligent and likely to cause injury to the public.
- H. On or about August 4, 2006, while employed with Estelle High Security Prison Unit, Huntsville, Texas, Respondent failed to:
- Perform a focused nursing assessment of Inmate Number 1104785, who presented with blood on his face and was exhibiting unusual behavior. Respondent did not attempt to determine the source of the change in his condition (or obtain or check the inmate's vital signs, the strength and equality of his extremities, his orientation, or his pupillary size and reactivity as part of a focused neurological assessment);
 - Accurately and completely report the status of the inmate to other health care team members and document it in the medical record; and
 - Institute appropriate nursing interventions in order stabilize the inmate's condition, including that Respondent failed to transport the inmate to the medical department for a more thorough assessment and/or for observation.
- Eleven hours later, the inmate was found unresponsive in his cell, without pulse or respirations, and was pronounced deceased shortly thereafter. Respondent's conduct may have contributed to the inmate's demise.

6. On July 3, 2007, Respondent returned Vocational Nurse License Number 134915 and submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's statement, dated July 3, 2007, 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 to prove violations of Section 301.452(b)(10)&(13) and 302.402(a)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(D), (1)(M)&(2)(A)[effect. 9/28/04], 217.12(1)(A),(1)(B)&(4)[effect. 9/28/04] and 239.11(1),(2),(3),(23),(27)(F),(27)(J)&(27)(K).
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, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§ 213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 134915, heretofore issued to MARY LUE THORNTON, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. **RESPONDENT SHALL NOT** practice vocational nursing, use the title of vocational nurse or the abbreviation LVN, or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: 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 AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational nursing in compact states.

Effective this 11th day of July, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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