

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 249840 §
issued to DAVID LEE LATHAM § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo
considered the matter of DAVID LEE LATHAM, Registered Nurse License Number 249840,
hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have
violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation
by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on
July 7, 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 representation by counsel, informal conference, 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.
4. Respondent received an Associate Degree in Nursing from Odessa College, Odessa, Texas, on May 1, 1978. Respondent was licensed to practice professional nursing in the State of Texas on September 4, 1979.
5. Respondent's nursing employment history includes:

09/1979 - 06/1993	Unknown	
07/1993 - 12/1995	Charge Nurse	Memorial Medical Center Livingston, Texas

Respondent's nursing employment history continued:

12/1995 - 07/1998	Charge Nurse	Westwood Medical Center Midland, Texas
07/1997 - 06/1998	Relief Nurse	Nurse Finders of West Texas Midland, Texas
07/1998 - 05/2000	Staff Nurse Charge Nurse	Midland Memorial Hospital Midland, Hospital
06/2000	Unknown	
07/2000 - 02/2006	Staff Nurse	Covenant Medical Center Lubbock, Texas
03/2006 - Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Covenant Medical Center, Lubbock, Texas, and had been in this position for five (5) years and seven (7) months.
7. On or about February 23, 2006, while employed as a Staff Nurse in the Emergency Department (ED) at Covenant Medical Center, Lubbock, Texas, Respondent exceeded his scope of practice by suturing Patient Number 822560001 without a physician's order and without training and documented competency. The patient presented to the ED with a laceration which was sutured by a trauma physician; however, the physician had departed from the ED and there was a small open area left in the suture line which was bleeding. Rather than notifying the trauma physician or requesting assistance from one of the ED physicians, Respondent placed a suture himself. Respondent's conduct was likely to injure the patient from medical care performed without adequate and appropriate education, training, and clinical expertise.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the mother of Patient Number 822560001 was a nurse at a local hospital and asked Respondent to place an additional suture after she inspected the patient's suture line. According to Respondent, he initially refused the request, but when the patient's mother insisted, he placed the suture. Respondent states that he informed the trauma physician that he had placed a suture and the physician thanked him. Respondent asserts that he had been led to believe that he could suture if needed and had sutured for "a couple" of the ED physicians when the ED was very busy.

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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(T) and 217.12(1)(A),(1)(B),(1)(E)&(4).
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 249840, heretofore issued to DAVID LEE LATHAM, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, 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 Professional 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 nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is 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 deliver the wallet-sized license issued to DAVID LEE LATHAM to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(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 Chemical Dependency, 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). 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.

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 nursing in the State of Texas.

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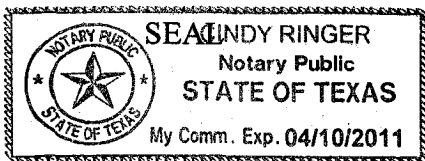
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RESPONDENT'S CERTIFICATION

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 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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22 day of September 08
David Latham
DAVID LEE LATHAM, Respondent

Sworn to and subscribed before me this 22 day of September, 2008.



Cindy Ringer
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 ratify and adopt the Agreed Order that was signed on the 22nd day of September, 2008, by DAVID LEE LATHAM, Registered Nurse License Number 249840, and said Order is final.

Effective this 26th day of September, 2008.



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

