

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of License Number 255849
issued to CAROL L. THOMAS

§ AGREED
§ ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of, CAROL L. THOMAS Registered Nurse License Number 255849 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on September 9, 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 Tarrant County Junior College, Fort Worth, Texas on May 1, 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 08, 1981.
5. Respondent's professional nursing employment history includes:

1981-1992

Staff Nurse -SICU
John-Peter Smith Hospital
Fort Worth, Texas

Respondent's professional nursing employment history continued:

| | |
|-----------------|---|
| 1983-1985 | Staff Nurse-SICU Metro-General Hospital Nashville, Tennessee |
| 1992-1995 | Middle Tennessee Home Therapeutic infusion Nurse Specialist City and state unknown |
| 1995-1998 | Assistant to ET Nurse E T Inc. City and state unknown |
| 1995-1996 | Infusion Nurse Specialist America Home Patient City and state unknown |
| 1997-1998 | Interim Healthcare Home Care Supervisor City and state unknown |
| 09/1998-12/1998 | Assistant Director of Nurses Traveling Nurses Home Health Care City and state unknown |
| 02/1999-01/2000 | Director of Nurses JWB Home Healthcare City and state unknown |
| 02/2001-08/2001 | Clinical Nurse Educator Cook Children's Home Health Fort Worth, Texas |
| 2000-Present | Owner/Vice President of Clinical Operations Alliance Ambulatory Infusion Center Fort Worth, Texas |

6. At the time of the incidents in Findings of Fact Numbers Seven (7) and Number Eight (8), Respondent was employed as Owner/ Vice President of Clinical Services with Alliance Ambulatory Infusion Center, and had been in this position for approximately Five (5) years.
7. On or about November 30, 2005, and while employed with Alliance Ambulatory Infusion Center (AAIC) as Vice President of Clinical Operations, Respondent entered into a Settlement Agreement with the Office of Inspector General (OIG), of the Texas Health and Human Services Commission in which she agreed to repay the State of Texas and/or OIG the sum of Three Hundred and Fifty Thousand dollars (\$350,000.00) for inappropriate billing to Medicaid for services provided by AAIC. Respondent's inappropriate billing practices which gave rise to reimbursement to the state through the settlement agreement were actions which could have defrauded the State of Texas of Medicaid funds.
8. On or about October 30, 2005, through April 30, 2005, while employed with Alliance Ambulatory Infusion Center (AAIC), Respondent failed to know and conform to all federal, state, and local rules or regulations affecting her current area of nursing practice in that AAIC was found to have provided services that were not appropriately supervised, and/or medically necessary per Medicaid rules and regulations. Respondent's actions unnecessarily exposed patients to the risk of harm.
9. Respondent denies allegations and reiterates that the office of OIG did not find any fraud committed by AAIC. Respondent states that the informal settlement reached with AAIC was to refund "alleged overpayments". It is also noted in the settlement agreement with OIG, that Respondent denies any wrong doing and sought informal resolution of all matters with said office, and that both parties agreed to said settlement due to the "uncertainty of litigation".

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)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A) & §217.12 (6)(G).
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 255849, heretofore issued to CAROL L. THOMAS, 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 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, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Vocational 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 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 to the office of the Texas Board of Nursing 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 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/disciplinary action](http://www.bon.state.tx.us/disciplinary_action).*

(3) RESPONDENT SHALL pay a monetary fine in the amount of Five Hundred Dollars \$500.00. RESPONDENT SHALL pay this fine within fortyfive (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 professional nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

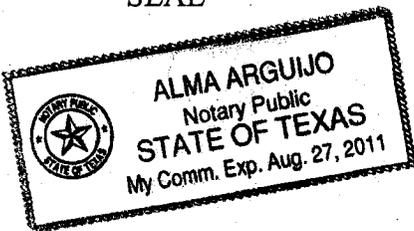
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 2 day of October, 2008.

Carol L. Thomas
CAROL L. THOMAS, Respondent

Sworn to and subscribed before me this 2 day of October, 2008.

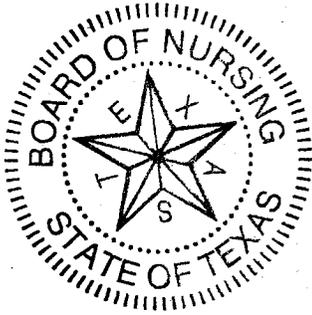
SEAL



Alma Arguijo
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 2nd day of October, 2008, by CAROL L. THOMAS, Registered Nurse License Number 255849, and said Order is final.

Effective this 7th day of October, 2008.




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