IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 145650	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
KARL ALAN THURMOND	§	BOARD OF NURSING

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.

Executive Director of the Board

ORDER OF THE BOARD

TO: Karl Alan Thurmond
3631 Brennan #11B
Amarillo, TX 79121

During open meeting held in Austin, Texas, on Tuesday, May 10, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 145650, previously issued to KARL ALAN THURMOND, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 10th day of May, 2011.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed March 23, 2011.

Re: Permanent Certificate Number 145650
Issued to KARL ALAN THURMOND
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Karl Alan Thurmond
3631 Brennan #11B
Amarillo, TX 79121

BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 145650, Issued to	§	
KARL ALAN THURMOND, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KARL ALAN THURMOND, is a Vocational Nurse holding license number 145650, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about September 19, 2003, Respondent's license to practice vocational nursing in the State of Washington was SUSPENDED INDEFINITELY, by the State of Washington Department of Health, Olympia, Washington.

A copy of the Statement of Charges and the Findings of Fact, Conclusions of Law, and Final Order of Default, dated September 19, 2003, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(7), Texas Occupations Code (effective September 1, 2003).

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CONTINUED ON NEXT PAGE

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1,200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

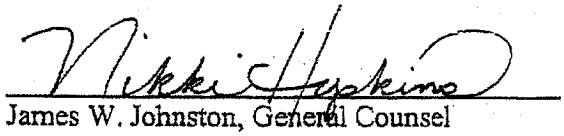
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Sexual Misconduct, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Washington Order, dated September 19, 2003.

Filed this 23rd day of March, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
John F. Legris, Assistant General Counsel
State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Washington Board, dated September 19, 2003

D/2010.12.28

STATE OF WASHINGTON

DEPARTMENT OF HEALTH

Olympia, Washington 98504

RE: Karl A. Thurmond, LPN
Docket No.: 03-07-A-1013LP
Document: Final Order

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Adjudicative Clerk Office
P.O. Box 47879
Olympia, WA 98504-7879
Phone: (360) 236-4677
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice as a Licensed Practical Nurse of:	)	Docket No. 03-07-A-1013LP
KARL A. THURMOND, LPN Credential No. LP00048132	)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER OF DEFAULT (Failure to Respond)
Respondent.	)	

This matter comes before the Health Law Judge, Presiding Officer for the Nursing Quality Assurance Commission (Commission), for a final order of default. The Commission, appearing by and through its attorney, Trent Kelly, Department of Health Staff Attorney; Karl A. Thurmond, Respondent, having failed to answer or otherwise respond to the Statement of Charges; the Health Law Judge, on designation by the Commission, having reviewed the record herein and being advised in the premises, now issues the following:

Section 1: FINDINGS OF FACT

1.1 Respondent was issued a license to practice as a licensed practical nurse by the state of Washington in May 1998.

1.2 On August 8, 2003, the Commission issued a Statement of Charges alleging unprofessional conduct by Respondent. A Notice of Opportunity for Settlement and Hearing, Answer to Statement of Charges and Request for Settlement were also issued at that time. On August 8, 2003, these documents were served at Respondent's last known address.

1.3 To date, the Adjudicative Clerk Office has not received an answer to the Statement of Charges. A Notice of Failure to Respond was issued on September 4, 2003.

1.4 The Commission has no reason to believe Respondent is in active military service.

1.5 The Department has filed the Declaration of Terry West, Health Services Consultant, with attached exhibits.

1.6 On or about May 27, 2002, while employed as a nurse at Highline Hospital Specialty Center / Recovery Services in Tukwila, Washington, Respondent inappropriately touched three chemical dependency patients. (Exhibits A, B, and C)

1.7 On or about February 14, 2003, Respondent was convicted of three counts of Indecent Liberties, a Class B felony, and one count of Assault Fourth Degree, a gross misdemeanor, in King County Superior Court (Case No. 02-10-34213KNT). (Exhibit D)

Section 2: CONCLUSIONS OF LAW

2.1 Respondent was issued a license to practice as a licensed practical nurse by the state of Washington, and is subject to the provisions of chapters 18.79 (formerly chapter 18.88) and 18.130 RCW and chapter 246-840 WAC.

2.2 Respondent did not file a response to the Statement of Charges within the time allowed by WAC 246-11-270(1)(a)(i) or WAC 246-11-270(3). Pursuant to RCW 18.130.090(1) and RCW 34.05.440, Respondent is in default and the Commission may issue a dispositive order based on the evidence presented to it.

2.3 Based upon Finding of Fact 1.6 through 1.7, Respondent has engaged in unprofessional conduct in violation of RCW 18.130.180(1), (17), and (24).

2.4 The Commission determines that sufficient grounds exist to take disciplinary action against Respondent's license to practice as a licensed practical nurse in the state of Washington, pursuant to RCW 18.130.160 and 18.130.180.

Section 3: ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Commission it is hereby ORDERED as follows:

3.1 The license to practice as a licensed practical nurse in the state of Washington held by Karl A. Thurmond shall be and is hereby SUSPENDED INDEFINITELY.

3.2 Respondent shall present both portions of his license to the Department of Health within ten (10) days of receipt of this Order.

Section 4: NOTICE TO PARTIES

As provided in RCW 34.05.461(3), 34.05.470, and WAC 246-11-580, either party may file a petition for reconsideration. The petition must be filed with the Adjudicative Clerk Office, P. O. Box 47879, Olympia, WA 98504-7879, within ten (10) days of service of this Order. The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration shall not stay the effectiveness of this Order. The petition for reconsideration is deemed to have been denied twenty (20) days after the petition is filed if the Commission has not acted on the petition or served written notice of the date by which action will be taken on the petition.

"Filing" means actual receipt of the document by the Adjudicative Clerk Office, RCW 34.05.010(6) and WAC 246-11-080. This Order was "served" upon you on the day it was deposited in the United States mail, RCW 34.05.010(19).

Proceedings for judicial review may be instituted by filing a petition in the Superior Court in accord with the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review must be filed within thirty (30) days after service of this Order, as provided by RCW 34.05.542.

This Order is subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, and any other applicable interstate/national reporting requirements.

DATED THIS 19th DAY OF September, 2003.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
OFFICE OF PROFESSIONAL STANDARDS

LYLE C. HANSON, Senior Health Law Judge
Presiding Officer

Presented by:

#16573

Trent Kelly, WSBA #16123
For: Department of Health Staff Attorney

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:
Program No. 2002-06-0002PN

STATE OF WASHINGTON

DEPARTMENT OF HEALTH

Olympia, Washington 98504

RE: Karl A. Thurmond, LPN
Docket No.: 03-07-A-1013LP
Document: Statement of Charges

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: NONE

If you have any questions or need additional information regarding the information that was withheld, please contact:

Adjudicative Clerk Office
P.O. Box 47879
Olympia, WA 98504-7879
Phone: (360) 236-4677
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

FILED
AUG - 8 2003
Adjudicative Clerk Office

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice as a Licensed Practical Nurse of:	)	Docket No. 03-07-A-1013LP
KARL A. THURMOND, LPN Credential No. LP00048132,	)	STATEMENT OF CHARGES
Respondent.	)	

Terry West, Health Services Consultant of the Washington State Nursing Care Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by evidence contained in program case file No. 2002-06-0002PN.

Section 1: ALLEGED FACTS

1.1 Karl A. Thurmond, LPN, Respondent, was issued a license to practice as a licensed practical nurse by the state of Washington in May 1998.

1.2 On or about May 27, 2002, while employed as a nurse at Highline Hospital Specialty Center/ Recovery Services in Tukwila, Washington, Respondent inappropriately touched three chemical dependency patients..

1.3 On or about February 14, 2003, Respondent was convicted of three counts of Indecent Liberties, a Class B felony, and one count of Assault Fourth Degree, a gross misdemeanor, in King County Superior Court (Case No. 02-10-34213KNT).

Section 2: ALLEGED VIOLATIONS

2.1 The violations alleged in this section constitute grounds for disciplinary action pursuant to RCW 18.130.180 and the imposition of sanctions under 18.130.160.

2.2 The facts alleged in paragraphs 1.2 and 1.3 constitute unprofessional conduct in violation of RCW 18.130.180(1), (17) & (24), which provide in part:

> **RCW 18.130.180 Unprofessional conduct.** The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:
>
> . . .
>
> (1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates right guaranteed under chapter 9.96a RCW;
>
> ...
>
> (17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a pleas of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;
>
> ...

(24) Abuse of a client or patient or sexual contact with a client or patient;

....

Section 3: NOTICE TO RESPONDENT

The charges in this document affect the public health, safety and welfare. Terry West, Health Services Consultant of the Nursing Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130.180 and the imposition of sanctions under 18.130.160.

DATED this 8 day of August, 2003.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION

Terry West, Health Services Consultant

Melanie deLeon

Melanie deLeon WSBA #30100
Assistant Attorney General Prosecutor

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:
Program No. 2002-06-0002PN