



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.
William J. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

| | | |
|--|---|--------|
| In the Matter of | § | AGREED |
| Vocational Nurse License Number 310880 | § | |
| issued to TYSON E. AMSTUTZ | § | ORDER |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TYSON E. AMSTUTZ, Vocational Nurse License Number 310880, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Nursing from Concord Career Institute, Arlington, Texas, on September 14, 2012. Respondent was licensed to practice vocational nursing in the State of Texas on October 30, 2012.
5. Respondent's vocational employment history includes:

11/12 Unknown

Respondent's vocational employment history continued:

| | | |
|-----------------|---------------------|--|
| 12/12 - Unknown | LVN | Epic Home Health Fort Worth, Texas |
| 06/13 - Unknown | LVN | Santa Fe Health Rehab Weatherford, Texas |
| 11/13 - Unknown | LVN Agency Nurse | Community Education Centers West Caldwell, New Jersey Park County Jail Weatherford, Texas |

6. On or about March 14, 2014, while employed as a Licensed Vocational Nurse with Community Education Centers, West Caldwell, New Jersey, and on assignment at Park County Jail, Weatherford, Texas, Respondent engaged in sexual contact with two (2) female inmates.

Furthermore, on or about August 26, 2014, Respondent entered a plea of Guilty to and was convicted of two (2) counts of IMPROPER SEXUAL ACTIVITY WITH PERSON IN CUSTODY, State Jail Felony offenses committed on March 14, 2014, in the 43rd Judicial District Court of Parker County, Texas, under Cause No. CR14-0289. As a result of the conviction, Respondent was sentenced to confinement in the TDCJ State Jail facility for a period of twenty (20) months (with two (2) days credit given for time already served) and ordered to pay court costs.

7. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

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(s) 22 Tex. Admin. Code §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(3)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 310880, heretofore issued to TYSON E. AMSTUTZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 310880, heretofore issued to TYSON E. AMSTUTZ, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying himself 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 violation(s) 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 this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 30 day of October, 2014.



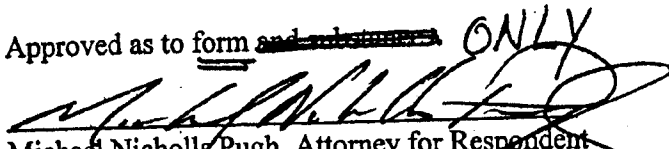
TYSON E. AMSTUTZ, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

Approved as to form and substance ONLY



Michael Nicholls Pugh, Attorney for Respondent

Signed this 23 day of October, 2014.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 310880, previously issued to TYSON E. AMSTUTZ.

Effective this 3rd day of November, 2014.



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