



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.  
*Stephanie P. Johnson*  
Executive Director of the Board

IN THE MATTER OF PERMANENT  
PERMANENT REGISTERED NURSE  
LICENSE NUMBER 657371 &  
PERMANENT VOCATIONAL NURSE  
LICENSE NUMBER 128114  
ISSUED TO  
CINDY MUHLE,  
RESPONDENT

§ BEFORE THE TEXAS  
§  
§ BOARD OF NURSING  
§  
§ ELIGIBILITY AND  
§  
§ DISCIPLINARY COMMITTEE  
§

**ORDER OF THE BOARD**

TO: CINDY MUHLE  
126 Lake Breeze Dr  
Buchanan Dam, TX 78609

During open meeting held in Austin, Texas, on June 12, 2018, the Texas Board of Nursing 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 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(s) to practice 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 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 Registered Nurse License Number 657371 and Permanent Vocational Nurse License Number 128114, previously issued to CINDY MUHLE, to practice nursing in the State of Texas be, and the same are hereby, REVOKED.

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

Entered this 12th day of June, 2018.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed April 17, 2018.

d17r(RN-LVN)(2016.05.11)

Re: Permanent Registered Nurse License Number 657371  
& Permanent Vocational Nurse License Number 128114  
Issued to CINDY MUHLE  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of June, 2018, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

CINDY MUHLE  
126 Lake Breeze Dr  
Buchanan Dam, TX 78609



BY:

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

**In the Matter of  
Permanent Registered Nurse  
License Number 657371 &  
Permanent Vocational Nurse  
License Number 128114  
Issued to CINDY MUHLE,  
Respondent**

§ **BEFORE THE TEXAS**  
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§  
§ **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CINDY MUHLE, is a Registered Nurse holding License Number 657371, which is in current status at the time of this pleading, and is a Vocational Nurse holding License Number 128114, 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 December 11, 2017, Respondent failed to comply with the Agreed Order issued to her by the Board on October 26, 2017. Noncompliance was the result of Respondent's failure to apply to and enroll in the KSTAR Pilot Program, including payment of any fees and costs, within forty-five (45) days of entry of the Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(b).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s 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.

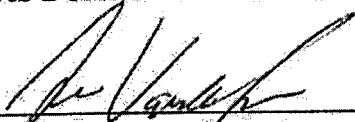
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated October 26, 2017.

Filed this 17 day of April, 2018

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Deputy General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 24036103

Jessica DeMoss, Assistant General Counsel  
State Bar No. 24091434

Skyler Landon Shafer, Assistant General Counsel  
State Bar No. 24081149

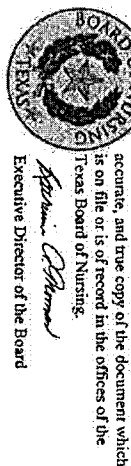
Jacqueline A. Strashun, Assistant General Counsel  
State Bar No. 19358600

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
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Attachments: Order of the Board dated October 26, 2017

D(2018.02.26)



BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED ORDER
Registered Nurse License Number 657371 §
& Vocational Nurse License Number 128114 §
issued to CINDY MUHLE § FOR KSTAR PILOT PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CINDY MUHLE, Registered Nurse License Number 657371 and Vocational Nurse License Number 128114, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 25, 2017.

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(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Central Texas College, Killeen, Texas, on December 22, 1989, and received an Associate Degree in Nursing from Central Texas College, Killeen, Texas, on December 1, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on May 29, 1990, and was licensed to practice professional nursing in the State of Texas on January 26, 1999.

5. Respondent's nursing employment history includes:

5/1990-12/1998	Licensed Vocational Nurse	Oaks Nursing Home Burnet, Texas
1/1999-4/2010	Registered Nurse	Oaks Nursing Home Burnet, Texas
4/2010-4/2012	Director of Nursing	Lampasas Nursing and Rehab Lampasas, Texas
4/2012-6/2013	Director of Nursing	Oaks Nursing Home Burnet, Texas
6/2013-3/2016	Director of Nursing	Regal Healthcare Residence Lampasas, Texas
4/2016- Present	Unknown	

6. At the time of the initial incident, Respondent was employed as the Director of Nursing with Regal Healthcare Residence, Lampasas, Texas, and had been in that position for two (2) years and nine (9) months.

7. On or about December 21, 2015, through February 17, 2016, while employed as the Director of Nursing with Regal Healthcare Residence, Lampasas, Texas, Respondent failed to conduct effective Clinical Meetings/24 Hour Report sessions to ensure that when Resident AK had a change in condition and was no longer able to swallow, that this was discussed with the interdisciplinary team and addressed with a swallow study and/or a new treatment plan. The resident was losing weight; was noted to have inadequate intake and difficulty swallowing; received new orders for suctioning because he could not swallow food; and was not able to take medications by mouth. Subsequently, the resident expired. Respondent's conduct resulted in a delay in treatment for the patient that was needed to prevent further complications.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that while she was the Director of Nursing, the facility had multiple staffing issues, that resulted in herself and the Assistant Director of Nursing (ADON) working the floor as nurses and nurse aides also. Respondent states that there were care plans regarding the patient's weight loss, and in January 2016 his weight was stable. Respondent states that the Morning Clinical Meetings were conducted with herself, the ADON, and the morning charge nurse, though they were not consistent.

9. Formal Charges were filed on April 10, 2017.

10. Formal Charges were mailed to Respondent on April 12, 2017.

### 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) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(M)&(1)(P) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 657371 and Vocational Nurse License Number 128114, heretofore issued to CINDY MUHLE.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

### TERMS OF ORDER

#### I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of WARNING WITH STIPULATIONS in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

#### II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and



Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

**III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PILOT PROGRAM**

IT IS AGREED and ORDERED that RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Pilot Program and RESPONDENT SHALL:

- (A) Within forty-five (45) days of entry of this Order, apply to and enroll in the KSTAR Pilot Program, including payment of any fees and costs, unless otherwise agreed in writing;
- (B) Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;
- (C) Follow all requirements within the remediation plan, if any;
- (D) Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Pilot Program; and
- (E) Provide written documentation of successful completion of the KSTAR Pilot Program to the attention of Monitoring at the Board's office.

**IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS**

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Pilot Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of Respondent's license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

**V. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.


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**CONTINUED ON NEXT PAGE.**

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(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

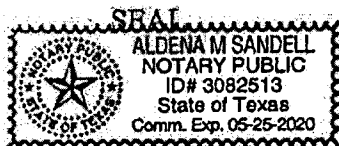
Signed this 7 day of September 20 17.

  
CINDY MUHLE, Respondent

Sworn to and subscribed before me this 7th day of September, 20 17.

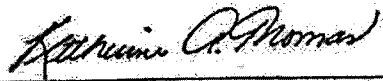


Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7<sup>th</sup> day of September, 2017, by CINDY MUHLE, Registered Nurse License Number 657371 and Vocational Nurse License Number 128114, and said Order is final.

Effective this 26th day of October, 2017.



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