



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

Katherine A. Thomas, MN, RN, FAAN
Executive Director



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

January 25, 2018

Certified Mail No. 91 7199 9991 7038 3534 3471

Return Receipt Requested

Copy Via USPS First Class Mail

Ashton Weatherly
2154 Locust St
Colorado City, TX 79512

Dear Mr. Weatherly:

Enclosed please find a Reinstatement Agreed Order issued by the Board on January 24, 2019.

The results of any disciplinary action and reinstatement determination are public information. Dispositions may also appear in the Board's quarterly newsletter. The information will also be forwarded to the National Council State Boards of Nursing, Inc., and the National Practitioner Data Bank (NPDB).

THIS IS A FINAL ORDER OF THE BOARD. READ THE ORDER CAREFULLY. CONTACT THIS OFFICE AT (512) 305-6838 IF YOU HAVE ANY QUESTIONS OR DO NOT UNDERSTAND ANY PART OF THE ORDER. YOU WILL BE RESPONSIBLE FOR COMPLIANCE WITH THE ORDER WITHOUT FURTHER NOTIFICATION FROM THIS OFFICE.

Members of the Board

Kathleen Shipp, MSN, RN, FNP
Lubbock, *President*

Nina Almasy, MSN, RN Austin	Deborah Bell, CLU, ChFC Abilene	Patricia Clapp, BA Dallas	Laura Disque, MN, RN Edinburg	Allison Edwards, DrPH, MS Bellaire	Diana Flores, MN, RN Helotes
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Monica Hamby, LVN Amarillo	Doris Jackson, DHA, (ABD), MSN, RN Pearland	Kathy Leader-Horn, LVN Granbury	Beverley Jean Nutall, LVN Weatherford	David Saucedo, II El Paso	Francis Stokes Port Aransas
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Ashton Cord Weatherly
January 25, 2018
Page 2

Please note that while your license to practice nursing in the State of Texas is being monitored as stipulated in this Order, you may not work outside the State of Texas pursuant to a multistate licensure privilege.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

Katherine A. Thomas, MN, RN, FAAN
Executive Director

KAT/232

Enclosures: Reinstatement Agreed Order
Reinstatement Notice
Courses Approved to Meet BON Stipulations

G(r)(2018.12.12)

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	REINSTATEMENT
Vocational Nurse License Number 188528	§	AGREED ORDER
issued to ASHTON CORD WEATHERLY	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement, hereinafter referred to as the Petition, of Vocational Nurse License Number 188528, held by ASHTON CORD WEATHERLY, hereinafter referred to as Petitioner.

Petitioner waived notice and hearing and agreed to the entry of this Reinstatement Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 9, 2018.

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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Reinstatement Agreed Order.
3. Petitioner received a Certificate in Vocational Nursing from Western Texas College, Snyder, Texas, on February 20, 2003. Petitioner was licensed to practice vocational nursing in the State of Texas on March 21, 2003.
4. Petitioner's nursing employment history includes:

2003	LVN	Mitchell County Hospital/Wallace Ware Unit Colorado City, Texas
2003-2004	LVN	UMC Lubbock, Texas

Petitioner's nursing employment history continued:

Unknown	LVN	West Texas Brownfield, Texas
2005-2007	LVN	Lubbock Heart Hospital Lubbock, Texas
2007-2009	LVN	Interim Healthcare Lubbock, Texas
2008	LVN	Carron Nursing Home Lubbock, Texas
2008-2011	LVN	Nursefinders @ Covenant Specialty Hospital Lubbock, Texas
2011	LVN	Lubbock State School Lubbock, Texas
2011-2012	LVN	Texas Specialty Hospital Lubbock, Texas
2013-2014	LVN	Interim Healthcare Lubbock, Texas
2014	LVN	Octapharma Plasma Lubbock, Texas
2014-2015	LVN	Mitchell County Nursing Home Mitchell County Hospital Clinic Colorado, Texas
2015	LVN	Big Springs State Hospital Big Springs, Texas
2016-Present		Not employed in nursing

5. On or about April 21, 2016, Petitioner's license to practice nursing in the State of Texas was Revoked through an Opinion and Order of the Board. A copy of the April 21, 2016, Opinion and Order of the Board, including the Formal Charges, is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.

6. On or about October 11, 2018, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
7. Petitioner presented the following in support of said petition:
 - A. Letter of recommendation dated October 22, 2018 from Monica Martinez, Human Resources Assistant, UMC Health Systems, stating Petitioner was hired on May 12, 2003 through July 1, 2004 as a License Vocational Nurse.
 - B. Letter of recommendation dated October 31, 2018 from Deana Proctor, Human Resources Director, Mitchell County Hospital, stating Petitioner was hired as a Licensed Vocational Nurse on April 18, 2014, Petitioner's employment ended May 16, 2014.
 - C. Letter of recommendation dated October 31, 2018 from Paul Patel stating Petitioner is currently employed with Super 8 in Colorado City, Texas.
 - D. Documentation of the required continuing education contact hours.
8. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for relicensure.
9. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
10. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.
3. The Board may relicense an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

4. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

TERMS OF ORDER

I. REINSTATEMENT OF LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of ASHTON CORD WEATHERLY for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Vocational Nurse License Number 188528 is/are hereby **REINSTATED** in accordance with the terms of this Order.

- A. PETITIONER SHALL pay all re-registration fees, if applicable, and PETITIONER'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- B. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, PETITIONER'S license(s) will be designated "single state" and PETITIONER may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, PETITIONER agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Reinstatement Agreed Order.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial

education course(s) within one (1) year of relicensure, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) 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. Home study and video programs will not be approved.
- B. The course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), PETITIONER SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. PETITIONER SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Reinstatement Agreed Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, PETITIONER may be eligible for nurse licensure compact privileges if any.

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PETITIONER'S CERTIFICATION

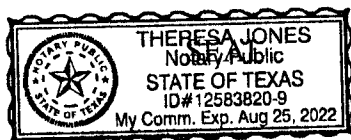
I understand this Order is conditioned upon the accuracy and completeness of my petition and disclosures. I further understand that subsequently discovered discrepancies in my petition and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7 day of Dec, 2018.

Ashton Cord Weatherly
ASHTON CORD WEATHERLY, Petitioner

Sworn to and subscribed before me this 7th day of Dec, 2018.



Theresa Jones
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 7th day of December, 2018, by ASHTON CORD WEATHERLY, Vocational Nurse License Number 188528, and said Reinstatement Agreed Order is final.

Effective this 24th day of January, 2019.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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

TEXAS BOARD OF NURSING
333 Guadalupe Street, Suite 3-460, Austin, Texas 78701

REINSTATEMENT NOTICE

Please be informed that the following information relates to the monitoring of your compliance with the enclosed Board Order:

- I. The effective date of the Order is the date the Order was ratified by the Board and can be located on the Executive Director's signature page contained in your Order.
- II. Refresher Courses
 - If a refresher course is required by your Reinstatement Order, the appropriate application for a six (6) month temporary permit for you to complete the refresher course has been enclosed along with the form to be completed verifying your successful completion of the refresher course. Once the refresher course is completed, you will need to contact the licensing department to request a reactivation application. It takes approximately 7-10 business days to complete the reactivation process.
 - If a refresher course is not required, the appropriate reactivation application has been enclosed. You will need to answer all questions correctly, regardless if the information has already been submitted. Please note on the reactivation application that you have a Reinstatement Agreed Order so that the licensing department will not require additional documentation in order to process your application.
- III. All required remedial education courses must be completed within one (1) year from the date your license is reactivated.
- IV. Notification of Employment Forms
 - A Notification of Employment form is enclosed if your Reinstatement Order requires you to have your employer complete and submit this form to our office. Notification of Employment forms are to be used by employers who employ you as a nurse in the State of Texas and cannot be accepted prior to the effective date of the order.
 - It is your responsibility to ensure your employer has been provided a copy of your Order and the appropriate personnel at your place of employment have been notified of your Order.
 - When you become employed as a nurse, your employer must submit the Notification of Employment form within five (5) days of your becoming employed as a nurse. If you change employers during the term of your Order, your employer must submit the Notification of Employment form within five (5) days of your new employment as a nurse.
- V. Report Forms
 - We will send your first set of report forms to be used to document your compliance with the stipulations of your Board Order once we receive your completed Notification of Employment form. Each report form will indicate the date on which it must be received in the Board's office.
 - It is your responsibility to ensure each required report is mailed to the Board's office before its due date. Please be aware that reports received more than two (2) weeks prior to their due date will NOT be accepted and that all reports, except for Support Group attendance logs, must be submitted directly from the individual completing the report. Only reports verifying your compliance with your stipulations during periods of time in which you are employed as a nurse are credited toward meeting the requirements of your Order.

You will be responsible for compliance with the Order of the Board without further notice from our office. Be aware that any failure to comply with the terms of the Order may result in another investigation and possible further disciplinary action being taken against your license (including possible revocation of your license) due to your non-compliance. Review the enclosed Board Order carefully. If you have any questions, please call (512) 305-6838.



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

DOCKET NUMBER 507-16-1224

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 188528,
ISSUED TO
ASHTON CORD WEATHERLY

§
§
§
§
§

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

OPINION AND ORDER OF THE BOARD

TO: ASHTON CORD WEATHERLY
2154 LOCUST ST.
COLORADO CITY, TX 79512

BETH BIERMAN
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on April 21-22, 2016, the Texas Board of Nursing (Board) considered the following items: (1) Order No. 1, *Dismissing Case*, issued by the ALJ in the above cited matter; (2) Staff's recommendation that the Board revoke the Respondent's vocational nursing license by default; and (3) Respondent's recommendation to the Board regarding the above cited matter, if any.

On February 2, 2016, the ALJ convened a hearing on the merits in this matter. Staff of the Board was present for the hearing. However, the Respondent was not present at the hearing, and no one appeared on his behalf. During the hearing on February 2, 2016, Staff introduced evidence into the record demonstrating that Respondent had been sent a Notice of Hearing by first class certified mail return receipt requested to his last known address of record maintained by the Board in accordance with 22 Tex. Admin. Code §213.10(a). The ALJ found that Staff's notice was adequate and issued Order No. 1, *Dismissing Case*, granting Staff's Motion for Default and dismissing the case from the docket of SOAH and remanding it to the Board for informal disposition on a default basis in accordance with the Government Code §2001.056.

The Board, after review and due consideration of Order No. 1, issued by the ALJ in the above cited matter, finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with the Government Code §2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Occupations Code Chapter 301 (Nursing Practice Act) for retention of Respondent's license to practice vocational nursing in the State of Texas. The Board further finds that the Formal Charges were properly initiated and filed in accordance with the Occupations Code §301.458. The Board further finds that proper and timely notice regarding the violations alleged in the Formal Charges was given to Respondent in accordance with the requirements of the Government Code §2001.051 and §2001.052 and 1 Tex. Admin. Code §155.501. The Board further finds that the Respondent failed to appear in accordance with 22 Tex. Admin. Code Chapter 213 and 1 Tex. Admin. Code §155.501. As a result of the Respondent's failure to appear, the Board has determined that

the factual allegations listed in the Formal Charges are to be deemed admitted by default and the Board is authorized to enter a default order against the Respondent pursuant to the Government Code §2001.056 and 22 Tex. Admin. Code §213.22. Further, the Board has determined that it is entitled to revoke the Respondent's vocational nursing license pursuant to 22 Tex. Admin. Code §213.33(m).

Therefore, the Board hereby adopts the factual allegations, which have been deemed admitted, and the conclusions of law contained in the Formal Charges¹, which are attached hereto and incorporated herein by reference for all purposes, and 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 in accordance with the Government Code Chapter 2001 and 22 Tex. Admin. Code §213.23(l), as applicable. 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.

IT IS, THEREFORE ORDERED THAT Permanent Certificate Number 188528, previously issued to ASHTON CORD WEATHERLY, to practice 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 multi-state privileges, if any, to practice nursing in the State of Texas.

FURTHER, pursuant to the Occupations Code §201.467, RESPONDENT is not eligible to petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for relicensure.

Entered this 27th day of April, 2016.

TEXAS BOARD OF NURSING


KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Formal Charges

¹ The Board does not, however, find a violation of §301.452(b)(3), as that provision does not apply to the deemed factual allegation.

In the Matter of	§	BEFORE THE TEXAS
Permanent Vocational Nurse	§	
License Number 188528	§	
Issued to ASHTON CORD WEATHERLY,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ASHTON CORD WEATHERLY, is a Vocational Nurse holding License Number 188528, which is in current 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 12, 2014, Respondent entered a plea of Guilty and was convicted of HARASSMENT, a Class A misdemeanor offense committed on or about October 24, 2014, in the County Court at Law No. One of Lubbock County, Texas, under Cause No. 2014-480,886. As a result of the conviction, Respondent was sentenced to confinement in the Lubbock County Jail, Lubbock, Texas, for a period of twenty-four (24) days (with twenty-four (24) days credit given for time already served); and ordered to pay court costs. In addition, an Agreed Protective Order was also entered on this date.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13). Moreover, the above offense mandates revocation of Respondent's license(s) to practice nursing in accordance with Section 53.021 of the Texas Occupations Code.

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 and TEX. OCC. CODE Ch. 53. 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 (\$1200.00).

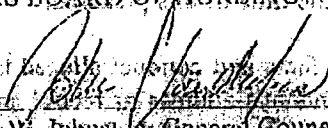
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct, which can be found at the Board's website, www.bon.texas.gov.

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

Filed this 5 day of June, 2015.

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

Natalie E. Adkins, Assistant General Counsel

State Bar No. 24064715

John R. Griffith, Assistant General Counsel

State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel

State Bar No. 50511847

John F. Legris, Assistant General Counsel

State Bar No. 00785533

John Vanderford, Assistant General Counsel

State Bar No. 24086670

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