



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 O'Hanrahan
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Vocational Nurse License Number 310880
issued to TYSON E. AMSTUTZ

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REINSTATEMENT
AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considers the Petition for Reinstatement, hereinafter referred to as the Petition, of Vocational Nurse License Number 310880, held by TYSON E. AMSTUTZ, hereinafter referred to as Petitioner.

An informal conference was conducted on December 4, 2018, in accordance with Section 301.464, Texas Occupations Code. Petitioner appeared in person.

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 Concorde Career College, Grand Prairie, Texas, on September 14, 2012. Petitioner was licensed to practice vocational nursing in the State of Texas on October 30, 2012.
4. Petitioner's nursing employment history includes:

10/2012 - 1/2013	LVN Charge Nurse	City View Nursing/Rehab Fort Worth, Texas
1/2013 - 5/2013	LVN Home Nurse	Epic Home Health Fort Worth, Texas
1/2013 - 5/2013	LVN Charge Nurse	College Park Weatherford, Texas

Petitioner's employment history continued:

1/2013 - 6/2014	LVN Home Care Nurse	Angels of Care Fort Worth, Texas
4/2013 - 9/2013	LVN Charge Nurse	Keeneland Weatherford, Texas
9/2013 - 3/2014	LVN Charge Nurse	Santa Fe Health & Rehab Weatherford, Texas
9/2013 - 6/2014	LVN Charge Nurse	Parker County Jail Weatherford, Texas
1/2014 - 6/2014	LVN Home Health Nurse	Brazos River Home Health Weatherford, Texas
6/2014 - Present	Not employed in nursing	

5. On or about November 3, 2014, the Board accepted the Voluntary Surrender of Petitioner's license to practice nursing in the State of Texas through an Order of the Board. A copy of the November 3, 2014, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
6. On or about March 28, 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 support dated May 11, 2018, from Bob Sharp, Contract Liaison/Senior Chaplain at B&H Construction LLC, Norman Oklahoma. He states Petitioner has been a great addition to their team in North Texas. Petitioner has been with them since August 18, 2016. Petitioner has become one of the mainstays of their Texas operations. Petitioner is always on time, dependable, reliable and works with integrity and efficiency. Petitioner has completed a number of technical certifications and is on his way to a greater role and responsibility of leadership. Petitioner has proved himself to be trustworthy and is in fact one of their "go to guys". They are grateful he is one of theirs.
 - B. Letter of support from Cody McBride DNP, APRN-CNP. He states he would personally like to endorse Petitioner. Petitioner is an intelligent individual who possesses commendable qualities such as loyalty, trustworthiness, benevolence, and a very strong work ethic. He knows that Petitioner feels that it is his life's calling to be able to provide caring and nurturing to vulnerable populations. He believes granting Petitioner with the opportunity to be employed as a nurse would benefit all parties involved.

C. Letter of support from Angela Quick, DNP, APRN-CNP. She states she is pleased to write a letter of recommendation for Petitioner. He holds many attributes that one would desire in a care giver. Petitioner is a hard worker with a positive attitude and remarkable determination. These qualities help him to accomplish whatever task he sets out to complete. Petitioner has a warm heart and is inherently very helpful. Petitioner works well with others and is very encouraging, which fosters team work. Petitioner is highly intelligent as well as exceedingly motivated which supports quick learning. Petitioner is also well-equipped to grow from challenges that he is presented with. Petitioner would be a tremendous asset to the nursing team and has her highest recommendation.

D Letter of support from Jessica Montgomery, RN. She states she has had the pleasure of knowing Petitioner for the last seventeen (17) years through school and extracurricular activities. Petitioner is a great leader, trustworthy, and driven. Petitioner has helped her family multiple times with various projects and has shown a natural leadership in completing these tasks. He would be an asset to any organization and she would recommend him without reservation.

E. Documentation of the required continuing education contact hours.

8. On or about October 23, 2018, Petitioner underwent a Forensic Psychological Evaluation with a Polygraph Component, with Timothy J. Proctor, Ph.D., ABPP, LSOTP. Dr. Proctor states if Petitioner were allowed to regain his licensure as a nurse, it is recommended that for a period of at least two years he be restricted to working in a setting where his work can be closely supervised. Petitioner would also benefit from counseling focused on increasing his insight into the problematic nature of the behavior that led to the current evaluation and on developing more appropriate boundaries.
9. 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.
10. 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.
11. 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. This reinstatement is made pursuant to Sections 301.453(c) and 301.467, Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26.

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 TYSON E. AMSTUTZ for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Vocational Nurse License Number 310880 is/are hereby **REINSTATED** in accordance with the terms of this Order.

- A. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- B. 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. REQUIREMENTS FOR VOCATIONAL NURSING REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN VOCATIONAL NURSING

Prior to practicing as a vocational nurse in the State of Texas, PETITIONER SHALL:

- A. **Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Vocational Nursing** for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in vocational nursing. The application for the Six Month Temporary Permit is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Six Month Permits / LVN Six Month Limited Permit. PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in vocational nursing.
- B. **Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for vocational nursing.** Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment. In order for the course to be approved:
 1. The target audience shall include vocational nurses;
 2. The course instructor must be a qualified registered nurse who meets or exceeds the Board's minimum criteria for eligibility as an instructor;
 3. The course's content shall, at a minimum, include:
 - o Review of NPA, Rules, and Position Statements;
 - o Determination of Individual Scope of Practice and role in patient safety;
 - o Review of the clinical problem solving process for the provision of individualized, goal directed nursing care to include: (i) Collecting data & performing focused nursing assessments; (ii) Participating in the planning of nursing care needs for clients; (iii) Participating in the development & modification of the comprehensive nursing care plan for assigned clients; (iv) Implementing appropriate aspects of care within the LVN's scope of practice; and (v) Assisting in the evaluation of the client's responses to nursing interventions and the identification of client needs;
 - o Pharmacology review;
 - o Medication administration;
 - o Documentation, quality assurance, and legal implication for nursing practice; and

- Documentation of current CPR certification prior to beginning precepted clinical learning experience; and
 - 4. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care precepted by a qualified registered or vocational nurse. Home study courses and video programs will not be approved.
- C. **Upon completion of the refresher course, extensive orientation, or nursing program of study for vocational nursing**, PETITIONER SHALL return the temporary permit to the Board's office and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required 80 hours of precepted clinical practice.
- D. **Upon verification of successful completion of the conditions** as set out in Paragraphs A through C of this Section, PETITIONER SHALL submit a completed License Reactivation Form for Vocational Nurses, which is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Renewals / LVN - Reactivation form for a Licensed Vocational Nurse. PETITIONER shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be issued the applicable license to practice vocational nursing in the State of Texas, which shall be subject to the terms of this Order.

IV. **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.
- C. **The course "Professional Boundaries in Nursing,"** a 3.0 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.*

V. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, PETITIONER must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order.

PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

- C. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, PETITIONER SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- E. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the individual who supervises the PETITIONER and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. THERAPY REPORTS

While working as a nurse under the terms of this Order, PETITIONER SHALL participate in therapy with a professional counselor with credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must

indicate whether or not the PETITIONER'S stability is sufficient to provide direct patient care safely. For the first three (3) month quarterly period PETITIONER works as a nurse under the terms of this Order, reports are to be submitted to the Board each and every month. If therapy is recommended by the counselor for an additional period of time, the reports shall then be submitted to the Board at the end of each three (3) month quarterly period in which the PETITIONER is working as a nurse under the terms of this Order, for the remainder of the term of the Order, or until PETITIONER is dismissed from therapy, whichever is earlier.

VII. 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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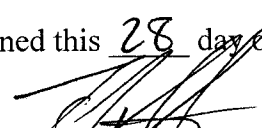
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PETITIONER'S CERTIFICATION

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.

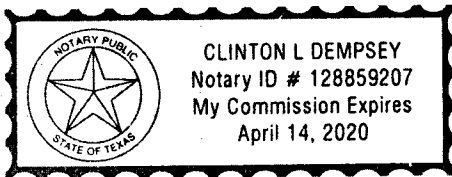
Signed this 28 day of December, 20 18.

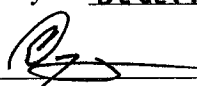


TYSON E. AMSTUTZ, Petitioner

Sworn to and subscribed before me this 28th day of DECEMBER, 20 18.

SEAL





Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 28th day of December, 2018, by TYSON E. AMSTUTZ, Vocational Nurse License Number 310880, and said Reinstatement Agreed Order is final.

Effective this 12th day of February, 2019.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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

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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.



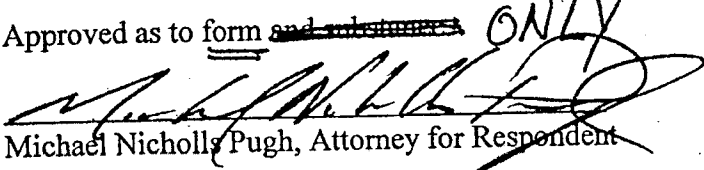
TYSON E. AMSTUTZ, Respondent

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.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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