



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
MICHELLE LEE BOGLE,	§	FOR
Vocational Nurse License Number 182547	§	DISCIPLINE &
& PETITIONER for Eligibility for Licensure	§	ELIGIBILITY

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Application by Examination, which has been processed as a Petition for Declaratory Order, herein referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §217.2(b) & §213.30, and supporting documents filed by MICHELLE LEE BOGLE, hereinafter referred to as Petitioner, requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that Petitioner may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

Petitioner waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 12, 2020.

FINDINGS OF FACT

1. On or about June 21, 2017, Petitioner submitted the Petition requesting a determination of eligibility for licensure.
2. Petitioner received a Certificate in Vocational Nursing from Tyler Junior College, Tyler, Texas, on August 10, 2001. Petitioner was licensed to practice vocational nursing in the State of Texas on October 25, 2001.
3. Petitioner's license to practice vocational nursing in the State of Texas is in current status.

4. Petitioner received an Associate Degree in Nursing, from Excelsior College, Albany, New York, on May 17, 2017.
5. Petitioner waived notice and hearing, and agreed to the entry of this Agreed Order.
6. Petitioner's complete nursing employment history is unknown.
7. On or about November 1, 2017, through November 6, 2018, while employed as a Licensed Vocational Nurse and Owner of Savvy Chic Medspa, Spring, Texas, Petitioner exceeded her scope of practice by performing medical cosmetic procedures on patients without appropriate physician orders and supervision. Instead, Petitioner used inappropriate standing orders that did not contain patient-specific orders for treatment; documentation of patient-specific medical decision making regarding the appropriateness of the procedures; or the route, dose, and frequency of the cosmetic treatments to be administered. Petitioner's conduct might have deceived the public and patients, and might have exposed patients to a risk of harm. The standing orders have subsequently been upgraded.
8. On or about March 1, 2018 while employed as a Licensed Vocational Nurse and owner of Savvy Chic Medspa, Spring, Texas, Petitioner inadvertently misrepresented herself to the public as a Registered Nurse, including on LinkedIn, though she does not hold a Registered Nurse License. Petitioner was issued a Cease and Desist letter by the Texas Board of Nursing on February 28, 2018, for representing herself as a Registered Nurse.
9. In response to Findings of Fact numbers seven (7) and eight (8) PETITIONER states as to Finding of Fact #7, the forms Petitioner used at the time represented the generally accepted forms used by the med spa industry. These forms were utilized for both licensed and unlicensed injectors and providers of non-surgical cosmetic procedures and appeared to comply with Tex. Admin code 193.17. However, while the Texas Medical Board implicitly approved those when it found no violation of the standard of care as to Respondent's medical director who utilized them, factual aspects of specific patient treatment put Respondent in a position where the generality of the form created a situation where Respondent may have unknowingly exceeded her scope. As to the allegations in Finding of Fact #8 Respondent delegated the task of web-site maintenance and information that Respondent had graduated from nursing school was incorrectly put on the web-site as her being an RN. Respondent failed to catch the omission until it was brought to her attention and corrected the error as soon as she discovered it.
10. 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 licensure.

11. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
12. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
13. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. On or about June 21, 2017, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.2(b) and §213.30.
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)&(2) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(6)(H).
4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13), Texas Occupations Code.
5. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
6. The Board may license 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.
7. 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).
8. 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, ELIGIBILITY FOR LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that PETITIONER SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order, and upon meeting the requirements for graduation of an appropriate program in nursing education and payment of any required fees, PETITIONER is **ELIGIBLE** to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination).

- A. PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Vocational Nurse (GVN) and/or as a Graduate Nurse (GN), as applicable, in the State of Texas.
- B. Upon payment of any required fees and upon attaining a passing grade on the applicable National Council Licensure Examination, PETITIONER shall be issued the applicable license(s) to practice nursing in the State of Texas.
- C. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- D. Until successfully completed, this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- E. As a result of this Order, PETITIONER'S license 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 Agreed Order.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

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 the effective date of this Order, 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.*

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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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. **Indirect Supervision:** PETITIONER SHALL be supervised by a Registered Nurse/APRN, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse/APRN, if licensed as a Licensed Vocational Nurse, or the facility physician Medical Director who is on the premises. The only exception to this rule is on the occasion when neither the Registered Nurse/APRN nor the physician Medical Director can be or are on the premises when Petitioner needs assistance or intervention in regards to a patient, at which time Respondent must be able to promptly reach the RN/APRN or physician Medical Director by telephone call. The supervising nurse or physician Medical Director is not required to be on the same unit or ward as PETITIONER, but, except as otherwise provided herein, 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 as an RN/APRN. 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. Multiple employers are prohibited.

- D. **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 four (4) quarters [one (1) year] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from PETITIONER'S license(s) and/or privilege(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 am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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.

I understand that I can be represented by an attorney in this matter. I waive notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 9 day of February, 2021

Michelle Lee Boole
MICHELLE LEE BOOLE, PETITIONER

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.

Mark Weitz

Mark Weitz, Attorney for Petitioner

Signed this 1st day of February, 2021

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9th day of February, 2021, by MICHELLE LEE BOGLE, Vocational Nurse License Number 182547 & PETITIONER for Eligibility for Licensure, and said Agreed Order is final.

Effective this 23rd day of March, 2021.



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