



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

DOCKET NUMBER 507-21-3004

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE		
NUMBER 214306,	§	OF
ISSUED TO		
KIMBERLY ROSE WILLIAMS	§	ADMINISTRATIVE HEARINGS

OPINION AND ORDER OF THE BOARD

TO: KIMBERLY ROSE WILLIAMS
3711 2nd STREET
BROWNWOOD, TX 76801

SRINIVAS BEHARA
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on October 21, 2021, the Texas Board of Nursing (Board) considered the following items: the Proposal for Decision (PFD) regarding the above cited matter; Staff's recommendation to the Board regarding the PFD and order; and Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by either party.

The Board, after review and due consideration of the PFD; Staff's recommendations; and the recommendations made by the Respondent, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

Recommendation for Sanction

Pursuant to Tex. Occ. Code. §301.459 (a-1), the Administrative Law Judge may make a recommendation regarding an appropriate action or sanction. The Board, however, has the sole authority and discretion to determine the appropriate action or sanction. The Board agrees with the ALJ that revocation is statutorily mandated in this case pursuant to Tex. Occ. Code §301.4535(b).

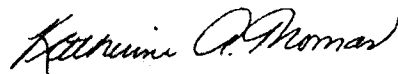
IT IS, THEREFORE, ORDERED THAT Vocational Nurse License Number 214306, previously issued to KIMBERLY ROSE WILLIAMS, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

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 §301.4535(c), Respondent is not eligible to petition for reinstatement of licensure until at least five (5) years have elapsed from the date the RESPONDENT completes and is dismissed from community supervision or parole. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for relicensure.

Entered this 21st day of October, 2021.

TEXAS BOARD OF NURSING

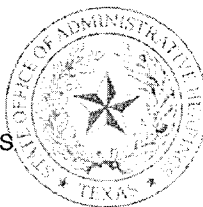
A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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

Attachment: Proposal for Decision; Docket No. 507-21-3004 (August 20, 2021)

FILED
507-21-3004
8/20/2021 1:36 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

ACCEPTED
507-21-3004
08/20/2021 2:18 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK



State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

August 20, 2021

Katherine A. Thomas, M.N., R.N.
Executive Director
Texas Board of Nursing
333 Guadalupe, Tower III, Suite 460
Austin, TX 78701

VIA EFILE TEXAS

**RE: Docket No. 507-21-3004; Texas Board of Nursing
v. Kimberly Rose Williams, LVN**

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 Tex. Admin. Code § 155.507, a SOAH rule which may be found at www.soah.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to be "Srinivas Behara", is written over a horizontal line.

SRINIVAS BEHARA
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

VB/tl

xc: Jena Abel, Deputy General Counsel, Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460,
Austin, TX 78701 – **VIA EFILE TEXAS**
Kimberly Rose Williams, 3711 2nd St., Brownwood, TX 76801 – **VIA EFILE TEXAS**

TEXAS BOARD OF NURSING,
Petitioner

v.

KIMBERLY ROSE WILLIAMS, LVN,
Respondent

§
§
§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**PROPOSAL FOR DECISION
BY SUMMARY DISPOSITION**

The staff (Staff) of the Texas Board of Nursing (Board) seeks to revoke the licensed vocational nurse (LVN) credential of Kimberly Rose Williams (Respondent) because she entered a plea of guilty to two counts of Injury to Elderly, third degree felony offenses and violations of the Texas Penal Code §22.04. Staff filed a Motion for Summary Disposition (Staff's MSD) requesting a proposal for decision in its favor as a matter of law. Respondent did not file a response. After considering the pleadings, the summary disposition evidence, and the applicable law, the Administrative Law Judge (ALJ) concludes that Staff's MSD should be **GRANTED** and that Respondent's LVN license is subject to mandatory revocation. Therefore, the ALJ recommends the Board revoke Respondent's LVN license. The hearing set for September 1, 2021, is **CANCELED**.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

On July 29, 2021, Staff referred this case to the State Office of Administrative Hearings (SOAH) for a contested case hearing, and filed and served Respondent with Staff's MSD and supporting evidence. On the same date, Staff filed and served its Notice of Hearing, along with the Formal Charges, on Respondent. Respondent did not file a response.¹

¹ Respondent's response was due 15 days after the date Staff's MSD was filed. See 1 Tex. Admin. Code § 155.505(b)(2).

Staff's evidence established jurisdiction and proper notice to Respondent. Those matters are set out in the Findings of Fact and Conclusions of Law without further discussion.

II. SUMMARY DISPOSITION EVIDENCE

Staff presented uncontested summary disposition evidence (Staff Exhibits A and B) establishing the following relevant facts:

- The Board issued LVN license number 214306 to Respondent on January 29, 2008.²
- On or about April 29, 2021, in Case No. CR20-0622, *State v. Kimberly Rose Williams*, in the 43rd Judicial District Court, Parker County, Texas, Respondent pleaded guilty to one count of the third-degree felony offense of Injury to Elderly, a violation of Texas Penal Code § 22.04. The offense was committed on July 10, 2020. The court found that the evidence substantiated Respondent's guilt but deferred adjudication of the case and placed Respondent on five years' community supervision.³
- On or about April 29, 2021, in Case No. CR20-0834, *State v. Kimberly Rose Williams*, in the 43rd Judicial District Court, Parker County, Texas, Respondent pleaded guilty to one count of the third-degree felony offense of Injury to Elderly, a violation of Texas Penal Code § 22.04. The offense was committed on September 6, 2020. The court found that the evidence substantiated Respondent's guilt but deferred adjudication of the case and placed Respondent on five years' community supervision.⁴

III. APPLICABLE LAW

Summary disposition of a contested case may be granted, in full or in part, without the necessity of a hearing on the merits if the pleadings, the motion for summary disposition, and the summary disposition evidence show that there is no genuine issue as to any material fact and that

² Staff Ex. A.

³ Staff Ex. B.

⁴ Staff Ex. B.

the moving party is entitled to a decision in its favor as a matter of law on all or some of the issues expressly set out in the motion.⁵

In seeking disciplinary action against Respondent, Staff relies on Texas Occupations Code (Code) § 301.4535. Subsection (a) of this section provides that the Board is required to suspend a nurse's license if the nurse has been initially convicted of a listed offense, including intentionally, knowingly, or recklessly injuring an elderly individual under § 22.04 of the Texas Penal Code.⁶ Subsection (b) goes on to state that, following a final conviction or *plea of guilty* or *nolo contendere* to such an offense, the Board "as appropriate, may not issue a license to an applicant, shall refuse to renew a license, or shall revoke a license."⁷

IV. ANALYSIS AND RECOMMENDATION

The uncontroverted summary disposition evidence shows that Respondent pleaded guilty to two counts of Injury to Elderly,⁸ third degree felony offenses under Texas Penal Code § 22.04.⁹ Therefore, as a matter of law, Respondent's LVN license is subject to mandatory revocation under Code § 301.4535(b).

For these reasons, Staff's MSD is **GRANTED**, and the ALJ recommends that the Board revoke Respondent's LVN license.

V. FINDINGS OF FACT

1. The Texas Board of Nursing (Board) issued licensed vocational nurse (LVN) license number 214306 to Kimberly Rose Williams (Respondent) on January 29, 2008.

⁵ 1 Tex. Admin. Code § 155.505(a).

⁶ Code § 301.4535(a)(7).

⁷ Code § 301.4535(b).

⁸ Staff Ex. B.

⁹ Because Exhibit B (the orders of deferred adjudication) state Respondent was charged with third-degree felonies, Respondent was found to have intentionally or knowingly committed the offenses. Tex. Penal Code § 22.04(f).

2. On or about April 29, 2021, in Case No. CR20-0622, *State v. Kimberly Rose Williams*, in the 43rd Judicial District Court, Parker County, Texas, Respondent pleaded guilty to one count of the third-degree felony offense of Injury to Elderly, a violation of Texas Penal Code § 22.04. The offense was committed on July 10, 2020. The court found that the evidence substantiated Respondent's guilt but deferred adjudication of the case and placed Respondent on five years' community supervision.
3. On or about April 29, 2021, in Case No. CR20-0834, *State v. Kimberly Rose Williams*, in the 43rd Judicial District Court, Parker County, Texas, Respondent pleaded guilty to one count of the third-degree felony offense of Injury to Elderly, a violation of Texas Penal Code § 22.04. The offense was committed on September 6, 2020. The court found that the evidence substantiated Respondent's guilt but deferred adjudication of the case and placed Respondent on five years' community supervision
4. On July 29, 2021, the Board's staff (Staff) referred this case to the State Office of Administrative Hearings (SOAH) for a contested case hearing.
5. On July 29, 2021, Staff filed and served its Notice of Hearing on Respondent. The notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and either a short, plain statement of the factual matters asserted or an attachment that incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency.
6. On July 29, 2021, Staff filed and served Respondent with Staff's Motion for Summary Disposition and supporting evidence.
7. Respondent did not file a response.

VI. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter. Tex. Occ. Code ch. 301.
2. SOAH has jurisdiction over the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; Tex. Occ. Code § 301.454.
3. Respondent received timely and adequate notice of the allegations against her. Tex. Gov't Code §§ 2001.051-.052.
4. Summary disposition shall be granted on all or part of a contested case if the pleadings, the motion for summary disposition, and the summary disposition evidence show that there is no genuine issue as to any material fact and that the moving party is entitled to a decision

in its favor as a matter of law on all or some of the issues expressly set out in the motion.
1 Tex. Admin. Code § 155.505(a).

5. Injury to an Elderly Individual is an offense under Texas Penal Code § 22.04(a)(3).
6. A third degree felony of Injury to an Elderly Individual requires that the offense be committed knowingly and intentionally. Tex. Penal Code § 22.04(f).
7. Respondent's LVN license is subject to mandatory revocation. Tex. Occ. Code § 301.4535(a)(7), (b).

VII. RECOMMENDATION

Based on the above findings of fact and conclusions of law, the ALJ recommends that the Board revoke Respondent's LVN license.

SIGNED August 20, 2021.



SRINIVAS BEHARA
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS