



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or its of record in the offices of the Texas Board of Nursing.
Stephanie P. Thomas
Executive Director of the Board

DOCKET NUMBER 507-21-2989

IN THE MATTER OF § **BEFORE THE STATE OFFICE**
PERMANENT CERTIFICATE § **OF**
NUMBER 300950, § **ADMINISTRATIVE HEARINGS**
ISSUED TO
KELLI JEAN BIDDLE

OPINION AND ORDER OF THE BOARD

TO: KELLI JEAN BIDDLE
4102 W. ADAMS AVE., #156
TEMPLE, TX 76501

STEVEN M. RIVAS
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on January 20, 2022, 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).

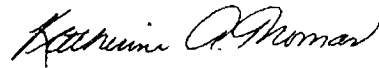
IT IS, THEREFORE, ORDERED THAT Vocational Nurse License Number 300950, previously issued to KELLI JEAN BIDDLE, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

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 20th day of January, 2022.

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. 507-21-2989 (September 24, 2021)

FILED
507-21-2989
9/24/2021 9:02 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK



ACCEPTED
507-21-2989
9/24/2021 10:02 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

September 24, 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. 507-21-2989; Texas Board of Nursing v. Kelli Jean Biddle,

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision on Summary Disposition 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 read "S.M. Rivas", with a long horizontal flourish extending to the right.

Steven M. Rivas
Administrative Law Judge

SR/jh

xc: Jena Abel, Deputy General Counsel, Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 (with 1 CD) – **VIA EFILE TEXAS and INTERAGENCY MAIL**
Kelli Jean Biddle, 4102 W. Adams Ave. #156, Temple, TX 76501 – **VIA REGULAR MAIL**

SOAH DOCKET NO. 507-21-2989

TEXAS BOARD OF NURSING,
Petitioner

v.

KELLI JEAN BIDDLE, LVN,
Respondent

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§

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 vocational nursing license of Kelli Jean Biddle (Respondent) because she pleaded guilty to a charge of Aggravated Assault Bodily Injury with a Deadly Weapon, a second degree felony under Texas Penal Code § 22.02. Staff filed a Motion for Summary Disposition requesting a Proposal for Decision in its favor as a matter of law. After considering these pleadings, the summary disposition evidence, and the applicable law, the Administrative Law Judge (ALJ) concludes that the Motion for Summary Disposition should be **GRANTED** and that Respondent’s license is subject to mandatory revocation. Therefore, the ALJ recommends that Respondent’s nursing license be revoked by the Board. The hearing set for **October 4, 2021**, is **CANCELED**.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

On July 22, 2021, Staff served Formal Charges on Respondent. On July 28, 2021, the Board referred this case to the State Office of Administrative Hearings (SOAH). On July 29, 2021, Staff filed with SOAH and served on Respondent its Notice of Hearing, which contained the Formal Charges against Respondent. On July 29, 2021, Staff filed and served on Respondent its Motion for Summary Disposition and supporting evidence. Respondent did not file a response.¹ Staff established jurisdiction and proper notice to Respondent. Those matters are set out in the Findings of Fact and Conclusions of Law without further discussion.

¹ SOAH’s procedural rules provide that the response to a motion for summary disposition and opposing summary disposition evidence shall be filed no later than 15 days after the filing of the motion. 1 Tex. Admin. Code § 155.505(b)(2).

II. SUMMARY DISPOSITION EVIDENCE

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

- The Board issued vocational nurse license number 300950 to Respondent on June 14, 2011.² Respondent's license is in current status.
- On January 4, 2021, the 426th Judicial District Court, Bell County, Texas entered an Order of Deferred Adjudication in *The State of Texas v. Kelli J. Biddle*, under Cause Number 82084, based upon Respondent's plea of guilty to Aggravated Assault Bodily Injury with a Deadly Weapon, a second degree felony offense under Texas Penal Code § 22.02. The offense was committed on November 17, 2019. As evidenced by certified court records, Respondent was sentenced to three years of deferred adjudication community supervision.³

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 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.⁴

In seeking disciplinary action against Respondent, Staff relies on Texas Occupations Code § 301.4535(a)(6), which requires the Board to revoke a nurse's license if a nurse pleads guilty to Aggravated Assault Bodily Injury with a Deadly Weapon under Texas Penal Code § 22.02.

² Staff Ex. A.

³ Staff Ex. B.

⁴ 1 Tex. Admin. Code § 155.505(a).

IV. ANALYSIS AND RECOMMENDATION

The uncontroverted summary disposition evidence shows that Respondent pleaded guilty to Aggravated Assault Bodily Injury with a Deadly Weapon, an offense under Texas Penal Code § 22.02.⁵ There are no genuine issues of fact or law in dispute. As a matter of law, Respondent's license is subject to mandatory revocation under Texas Occupations Code § 301.4535(a)(14) and (b).⁶ For these reasons, Staff's Motion for Summary Disposition is granted; the hearing set on October 4, 2021, is cancelled; and the ALJ recommends that the Board revoke Respondent's vocational nursing license.

V. FINDINGS OF FACT

1. Kelli Jean Biddle (Respondent) is licensed by the Texas Board of Nursing (Board) as a vocational nurse.
2. On January 4, 2021, the 426th Judicial District Court, Bell County, Texas entered an Order of Deferred Adjudication in *The State of Texas v. Kelli J. Biddle*, under Cause Number 82084, based upon Respondent's plea of guilty to Aggravated Assault Bodily Injury with a Deadly Weapon, a second degree felony offense under Texas Penal Code § 22.02. The offense was committed on November 17, 2019. As evidenced by certified court records, Respondent was sentenced to three years of deferred adjudication community supervision.
3. On July 22, 2021, the Board's Staff served Formal Charges on Respondent.
4. On July 28, 2021, the Board referred this case to the State Office of Administrative Hearings (SOAH).
5. On July 29, 2021, Staff filed with SOAH and served on Respondent its Notice of Hearing by sending it to Respondent's last known address on record by certified or registered mail, return receipt requested. The Notice of Hearing contained Formal Charges against Respondent.
6. The Notice of Hearing, along with the Formal Charges, contained a statement of the legal authority and jurisdiction under which discipline is sought against Respondent; a reference to the particular sections of the statutes and rules involved; and either a short, plain

⁵ Staff Ex. B.

⁶ See also 22 Tex. Admin. Code § 213.28.

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

7. On July 29, 2021, Staff filed and served on Respondent its Motion for Summary Disposition and supporting evidence.
8. Respondent did not file a response.

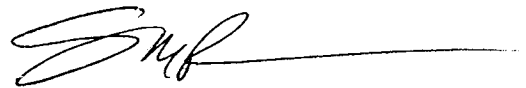
VI. CONCLUSIONS OF LAW

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 proposed 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. Aggravated Assault Bodily Injury with a Deadly Weapon is a second degree felony offense under Texas Penal Code § 22.02.
6. Respondent's vocational nursing license is subject to mandatory revocation. Tex. Occ. Code § 301.4535(a)(6).

VII. RECOMMENDATION

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

SIGNED September 24, 2021.



STEVEN M. RIVAS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS