



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 Chapman
Executive Director of the Board

DOCKET NUMBER 507-22-2062

**IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBERS 688808 & 182274,
ISSUED TO
THOMAS ROBERT WILLIAMS**

**§ BEFORE THE STATE OFFICE
§
§ OF
§
§ ADMINISTRATIVE HEARINGS**

OPINION AND ORDER OF THE BOARD

**TO: THOMAS ROBERT WILLIAMS
3704 FORT BOULEVARD
EL PASO, TX 79930**

**AMY DAVIS
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701**

At the regularly scheduled public meeting on July 21, 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 any 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 Registered Nurse License Number 688808 and Licensed Vocational Nurse Number 182274, previously issued to THOMAS

ROBERT WILLIAMS, to practice nursing in the State of Texas be, and the same are 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 July, 2022.

TEXAS BOARD OF NURSING



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

Attachment: Proposal for Decision; Docket No. 507-22-2062 (April 26, 2022)

SOAH DOCKET NO. 507-22-2062

TEXAS BOARD OF NURSING,	§	BEFORE THE STATE OFFICE
Petitioner	§	
	§	
v.	§	OF
	§	
THOMAS ROBERT WILLIAMS,	§	
Respondent	§	ADMINISTRATIVE HEARINGS

**PROPOSAL FOR DECISION
BY SUMMARY DISPOSITION**

The staff (Staff) of the Texas Board of Nursing (Board) seeks to revoke the registered nurse license and the vocational nurse license of Thomas Robert Williams (Respondent) for violating the Nursing Practice Act (the Act), Texas Occupations Code Chapter 301. Specifically, Staff alleged that Respondent received five years' probation after pleading guilty to the felony offense of Abusive Sexual Contact. In addition, Staff alleged that Respondent was required to register under the Sex Offender Registration Program. Staff filed a Motion for Summary Disposition with supporting evidence to prove its allegations. 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 licenses are subject to mandatory revocation. Therefore, the ALJ recommends that Respondent's nursing licenses be revoked by the Board.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

On March 11, 2022, the Board referred this case to the State Office of Administrative Hearings (SOAH). On March 18, 2022, Staff filed with SOAH and served on Respondent its Notice of Hearing, which contained Formal Charges against Respondent. On that same date,

Staff also filed and served 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.

II. SUMMARY DISPOSITION EVIDENCE

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

- The Board issued registered nurse license number 688808 to Respondent on July 23, 2002; and vocational nurse license number 182274 to Respondent on October 17, 2001. Respondent's licenses are in current status.²
- On September 8, 2021, the United States District Court, Western District of Texas, El Paso Division, 207th District Court, Comal County, Texas entered a Judgment of Guilty in *United States of America v. Thomas Robert Williams*, under Case Number 3:20-CR-02149, based upon Respondent's plea of guilty to Abusive Sexual Contact, and sentenced Respondent to five years of probation, including registration on the Sex Offender Registry.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 shows that there is no genuine issue as to any material fact and

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).

² Staff Ex. A.

³ Staff Ex. B, Staff Ex. C, Staff. Ex. D.

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(15), (16), and (b), which require the Board to revoke a nurse's license if a nurse has been convicted of an offense for which the nurse is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program, Code of Criminal Procedure).

Abusive Sexual Contact is a federal criminal offense. 18 U.S.C. § 2244.

IV. ANALYSIS AND RECOMMENDATION

The uncontroverted summary disposition evidence shows that Respondent pleaded guilty to Abusive Sexual Contact.⁵ Because Respondent pleaded guilty to the offense of Abusive Sexual Contact, and because Respondent was ordered to register as a sex offender, Texas Occupations Code § 301.4535(a)(15), (16) and (b) require the Board to revoke Respondent's nursing licenses.⁶ For these reasons, Staff's Motion for Summary Disposition is **GRANTED**; and the ALJ recommends that the Board revoke Respondent's vocational nursing license.

V. FINDINGS OF FACT

1. Thomas Robert Williams (Respondent) is licensed by the Texas Board of Nursing (Board) as a vocational and registered nurse.
2. On September 8, 2021, the United States District Court, Western District of Texas, El Paso Division, 207th District Court, Comal County, Texas entered a Judgment of Guilty in United States of America v. Thomas Robert Williams, under Case Number 3:20-CR-02149, based upon Respondent's plea of guilty to Abusive Sexual Contact, and sentenced

⁴ 1 Tex. Admin. Code § 155.505(a).

⁵ Staff Ex. B.

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

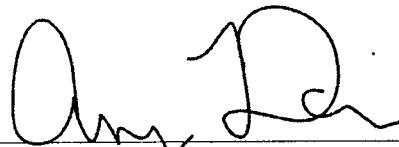
- Respondent to five years of probation, including registration on the Sex Offender Registry.
3. On March 11, 2022, the Board's staff (Staff) referred this case to the State Office of Administrative Hearings (SOAH) for a contested case hearing.
 4. On March 18, 2022, Staff filed and served its Motion for Summary Disposition and supporting evidence. Respondent did not file a response.
 5. On March 18, 2022, 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. 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 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.

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(c).
3. Respondent received timely and adequate notice of the allegations against him. 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. Abusive Sexual Contact is a federal criminal offense. 18 U.S.C. § 2244.
6. Because Respondent pled guilty to the offense of Abusive Sexual Contact and because Respondent was required to register as a sex offender under the Texas Code of Criminal Procedure, Chapter 62, the Board is required to revoke Respondent's nursing licenses by Tex. Occ. Code §§ 301.4535(a)(15), (16), and (b).

7. Based upon the Findings of Fact and Conclusions of Law, the Board must revoke Respondent's registered nurse license and vocation nurse license.

SIGNED April 26, 2022.

A handwritten signature in black ink, appearing to read "Amy Davis", written over a horizontal line.

AMY DAVIS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS