



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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED ORDER  
Advanced Practice Registered Nurse License §  
Number AP129980 §  
& Registered Nurse License Number 1111080 §  
issued to KALVIN HINTON §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KALVIN HINTON, Advanced Practice Registered Nurse License Number AP129980, and Registered Nurse License Number 1111080, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 13, 2023.

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 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 notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in suspended status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Family Nurse Practitioner is in delinquent status with Prescription Authorization Number in current status.
4. Respondent was licensed as a Registered Nurse in Tennessee on November 11, 2015. Respondent completed a Family Nurse Practitioner Program from Walden University, Minneapolis, Minnesota on August 24, 2014. Respondent was licensed to practice professional nursing in the State of Texas on February 16, 2023. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner on January 7, 2016.

5. Respondent's nursing employment history is unknown.
6. On or about August 2, 2022, Respondent's license(s) to practice nursing in the State of Texas were Suspended with the Suspension stayed and Respondent was placed on probation through an Order of the Board. A copy of the August 2, 2022, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about January 4, 2023, Respondent was issued an Agreed Order through an Order of the Board. A copy of the January 4, 2023, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about March 27, 2023, Respondent became noncompliant with an Agreed Order issued to him by the Texas Board of Nursing on August 2, 2022. Noncompliance is the result of his failure to abstain from the consumption of alcohol and controlled substances in that he produced a urine specimen for a random drug screen that resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), which are metabolites of Alcohol (ethanol). Respondent failed to comply with Section VI, "DRUG AND ALCOHOL RELATED REQUIREMENTS," Part A, of the Agreed Order which states, in pertinent part: "RESPONDENT SHALL abstain from the use of alcohol, nalbuphine, propofol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose.
9. On or about February 8, 2023, Respondent voluntarily surrendered his nursing licenses in the state of Tennessee. A copy of the February 8, 2023, Order of Voluntary Surrender by the state of Tennessee if attached and incorporated, by reference, as part of this Order.
10. In response to Findings of Fact Eight (8) and Nine (9), Respondent maintains that the positive screen was in error and that he always maintained his sobriety as required by the order.
11. On December 19, 2022, Respondent completed course in Texas Nursing Jurisprudence and Ethics which would have been a requirement of this order.
12. Respondent's license(s) to practice nursing in the State of Texas were Temporarily Suspended on May 3, 2023 and Formal Charges were filed on the same date.
13. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### 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) of 22 TEX. ADMIN. CODE §217.12 (5)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP129980, and Registered Nurse License Number 1111080, heretofore issued to KALVIN HINTON.
5. 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.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

### TERMS OF ORDER

#### I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that Advanced Practice Registered Nurse License Number AP129980, and Registered Nurse License Number 1111080, previously issued to KALVIN HINTON, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse;
- B. Is cleared to safely practice as a nurse based on a fitness evaluation, as may be required by TPAPN; and
- C. Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL submit an application for licensure renewal/reactivation, as applicable, and pay all re-registration fees, if any, and RESPONDENT'S licensure status in the State of Texas will be activated and updated to current status and to reflect the applicable conditions outlined herein.
- E. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- I. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- J. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

## II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT 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. SUPERSEDING ORDER**

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

**IV. SUBSEQUENT CRIMINAL PROCEEDINGS**

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

**V. EFFECT OF NONCOMPLIANCE**

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

**VI. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'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, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of June, 2023.

Kalvin Hinton  
KALVIN HINTON, RESPONDENT

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

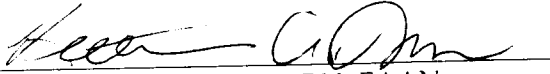
Approved as to form and substance.

Alejandro Mora  
Alejandro Mora, Attorney for Respondent

Signed this 14 day of June, 2023.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14<sup>th</sup> day of June, 2023, by KALVIN HINTON, Advanced Practice Registered Nurse License Number AP129980, and Registered Nurse License Number 1111080, and said Agreed Order is final.

Effective this 14<sup>th</sup> day of June, 2023.

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





## Texas Board of Nursing

1801 Congress Avenue, Ste 10 200, Austin, Texas 78701  
Phone: (512) 305 7400 Fax: (512) 305-7401  
www.bon.texas.gov

**Katherine A. Thomas, MN, RN, FAAN**  
*Executive Director*

January 4, 2023

Certified Mail No. 9214 8901 9403 8300 0000 1141 40  
Return Receipt Requested, Copy Via USPS First Class Mail

Kalvin Hinton  
2201 Bent Creek Ct  
Mansfield, TX 76063

Dear Mr. Hinton:

We have reviewed and evaluated your Endorsement Application and the supporting information related to your eligibility for licensure under the Nursing Practice Act and the Board's Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

As you will recall, on August 2, 2022, you were issued an Order by the Board affecting your licensure or eligibility for licensure. Our records indicate that you have not yet successfully completed the terms of that Order. Therefore, although you will be eligible to receive a professional nursing license, the remaining terms of your prior Order will be applied to the license issued to you by the Board. As a result, both your vocational and professional nursing licenses will be subject to the remaining requirements of the Order, a copy of which is attached hereto for your reference.

A new Order will not be issued to you. However, if your prior Order was not considered confidential, then this correspondence is public information, and the encumbrances from your prior Order that will be applied to your new license will be forwarded to the National Council of State Boards of Nursing, Inc., and the National Practitioner Data Bank (NPDB).

Please be aware that, pursuant to Section 301.4551, Texas Occupations Code, the Board shall temporarily suspend the license(s) of a nurse who is under a Board Order which prohibits the use of alcohol or drugs, or which requires participation in a peer assistance program, when the nurse tests positive for alcohol or a prohibited drug, refuses to comply with drug or alcohol testing requirements, or fails to participate in the peer assistance program.

Sincerely,

Katherine A. Thomas, MN, RN, FAAN  
Executive Director

KAT/238

Enclosure: Order dated August 2, 2022

S70(2023.01.04)



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

**Kathy Shipp, MSN, APRN, FNP**  
Lubbock, *President*

**Allison Porter-Edwards, DrPH, MS, RN, CNE**  
Bellaire, *Vice-President*



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

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In the Matter of Privilege to Practice § AGREED ORDER  
from Tennessee Registered Nurse §  
License Number 144388 and §  
Advanced Practice Registered Nurse License §  
Number AP129980,  
issued to KALVIN HINTON

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KALVIN HINTON, Privilege to Practice from Tennessee Registered Nurse License Number 144388, and Advanced Practice Registered Nurse License Number AP129980, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(3)&(12), Texas Occupations Code and 304.0015, Article 5, Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 28, 2022.

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 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 notice and hearing and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Tennessee, a member State of the Nurse Licensure Compact, is in current status.
4. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Family Nurse Practitioner is in delinquent status with Prescription Authorization Number in current status.

5. Respondent was licensed as a Registered Nurse in Tennessee on November 11, 2015. Respondent completed a Family Nurse Practitioner Program from Walden University, Minneapolis, Minnesota, on August 24, 2014. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner on January 7, 2016.
6. On or about September 5, 2018, Respondent submitted a Renewal of APRN Recognition application in which he disclosed that he had been addicted to and/or treated for the use of alcohol or any other drug. Respondent stated that he had completed both an intensive outpatient program in May 2017 and the Aftercare Group Process Program in April 2018. Respondent further indicated his date of sobriety to be January 22, 2017, and that he was attending regular AA meetings.
7. On or about June 29, 2021, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED 3rd OR MORE IAT, a 3<sup>rd</sup> degree felony offense committed on June 8, 2019, in the 432nd Judicial District Court of Tarrant County, Texas, under Cause No. 1603879001. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice Institutional Division for a period of seven (7) years; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of seven (7) years and ordered to pay a fine and court costs.
8. In response to Finding of Fact Number Six (6), Respondent states that the arrest and subsequent plea should not be seen as an indication that he lacks good professional character or lacks the fitness to practice nursing within the standard care. Respondent is eager to put these matters behind him.
9. Formal Charges were filed on March 1, 2022.

#### 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 cause pursuant to Section 301.452(b)(3) & (12), Texas Occupations Code, and 304.0015, Article 5, Texas Occupations Code, to take disciplinary action against Privilege to Practice from Tennessee Registered Nurse License Number 144388 and Advanced Practice Registered Nurse License Number AP129980, heretofore issued to KALVIN HINTON.
4. 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 AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Privilege to Practice from Tennessee Registered Nurse License Number 144388 and Advanced Practice Registered Nurse License Number AP129980, previously issued to KALVIN HINTON, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a minimum of three (3) years **AND** until RESPONDENT fulfills the additional requirements of this Order.

- A. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- D. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

### II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT 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, RESPONDENT 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) International Center for Regulatory Scholarship (ICRS).

In order to receive credit for completion of this/these course(s), RESPONDENT 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. RESPONDENT 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](http://www.bon.texas.gov/compliance).*

#### V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a registered nurse (RN) 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 twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) quarterly periods of employment as a registered nurse (RN) have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) license will not apply to this period and will not count towards completion of this requirement. Further, RESPONDENT shall not work as an advanced practice registered nurse while completing the twelve (12) quarters [three (3) years] of employment required under the terms of this Order.

- A. **Notifying Present and Future Employers:** RESPONDENT 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, RESPONDENT 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:** RESPONDENT 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. RESPONDENT 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, RESPONDENT 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 RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT 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 RESPONDENT, 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 RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- E. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT 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 twelve (12) quarters [three (3) years] of employment as a nurse.
- F. **While RESPONDENT is employed with Applesoft Homecare Services, LLC,** RESPONDENT may meet the supervisory requirements of this section through telephonic supervision by the facility's Alternate Administrator. Should RESPONDENT's employment with Applesoft Homecare Services, LLC, cease for any reason, RESPONDENT shall be required to meet the supervision requirements of this Order without exception.

## VI. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While working as a registered nurse (RN) under the terms of this Order for twelve (12) quarterly periods [three (3) years] of employment, RESPONDENT SHALL **abstain from the use of alcohol, nalbuphine, propofol and all controlled substances,** except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that the prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator

must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

B. While working as a registered nurse (RN) under the terms of this Order for twelve (12) quarterly periods [three (3) years] of employment, RESPONDENT SHALL **submit to random periodic screens for alcohol, nalbuphine, propofol and all controlled substances.** The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when RESPONDENT obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1<sup>st</sup> quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2<sup>nd</sup> quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3<sup>rd</sup> & 4<sup>th</sup> quarters], random screens shall be performed at least once per month.
- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

**Specimens shall be screened** for any or all of the following substances and/or their metabolites:

Amphetamine	Methamphetamine	MDMA
MDA	Alprazolam	Diazepam
Alpha-o-alprazolam	Alpha-Hydroxytriazolam	Clonazepam
Desmethyldiazepam	Lorazepam	Midazolam
Oxazepam	Temazepam	Amobarbital
Butobarbital	Butalbital	Pentobarbital
Phenobarbital	Secobarbital	Codeine
Hydrocodone	Hydromorphone	Methadone
Morphine	Opiates	Oxycodone
Oxymorphone	Propoxyphene	Cannabinoids
Cocaine	Phencyclidine	Ethanol
Heroin	Fentanyl	Tramadol
Meperidine	Carisoprodol	Butorphanol
Nalbuphine	Ketamine	Propofol



Upon enrollment in the Board's drug and alcohol testing program, **RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not RESPONDENT has been selected to produce a specimen for screening that day** and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **a Board representative may appear** at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

**Consequences of Positive or Missed Screens.** Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

- C. **While working as a registered nurse (RN) under the terms of this Order** for twelve (12) quarterly periods [three (3) years] of employment, RESPONDENT SHALL **attend at least two (2) support group meetings each week**, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

## VII. PROBATION REPORTS

RESPONDENT SHALL CAUSE his/her probation officer to submit written reports on forms provided to the RESPONDENT by the Board. The reports shall indicate the RESPONDENT'S compliance with the court ordered probation. The reports shall be furnished each and every three (3) month period until RESPONDENT is released from probation.

## VIII. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

**IX. FURTHER COMPLAINTS**

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against RESPONDENT'S license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

**X. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'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, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this 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 entry of this 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 is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7th day of July, 2022.

*Kalvin Hinton*  
KALVIN HINTON, 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.

*Alejandro Mora*  
Alejandro Mora, Attorney for Respondent

Signed this 7th day of July, 2022.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7<sup>th</sup> day of July, 2022, by KALVIN HINTON, Privilege to Practice from Tennessee Registered Nurse License Number 144388, and Advanced Practice Registered Nurse License Number AP129980, and said Agreed Order is final.

Effective this 2<sup>nd</sup> day of August, 2022.



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

**STATE OF TENNESSEE  
DEPARTMENT OF HEALTH**

<b>IN THE MATTER OF:</b>	)	<b>BEFORE THE TENNESSEE</b>
	)	<b>BOARD OF NURSING</b>
<b>KALVIN HINTON,</b>	)	
<b>TENNESSEE</b>	)	
<b>R.N. LIC. NO. 144388</b>	)	
<b>A.P.R.N. CERT. NO. 20731</b>	)	
<b>TEXAS</b>	)	
<b>A.P.R.N. CERT. NO. AP129980</b>	)	<b>CASE NO: 2022020731</b>
<b>RESPONDENT.</b>	)	

**CONSENT ORDER**

The State of Tennessee, by and through the Office of General Counsel and the Respondent, Calvin Hinton, R.N., A.P.R.N. (Respondent), hereby stipulate and agree, subject to approval by the Tennessee Board of Nursing (Board), to the following:

**I. Authority and Jurisdiction**

The Board regulates and supervises nurses licensed to practice pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 63-7-101, *et seq.* (Code), including the discipline of licensees, as well as those who are required to be licensed, who violate the Code and the Rules promulgated by the Board, Official Compilation of Rules and Regulations of the State of Tennessee (TENN. COMP. R. & REGS.), 1000-01-.01, *et seq.* (Rules). The Board enforces the Code and Rules to promote and protect the health, safety, and welfare of the public; accordingly, it is the policy of the Board to require strict compliance with the law and to apply the law to preserve the quality of nursing care provided in Tennessee.

**II. Stipulations of Fact**

1. Respondent has been at all times pertinent hereto licensed by the Board as a registered nurse (RN) in the State of Tennessee, having been granted license number 144388 on April 1, 2004, which currently has an expiration date of September 30, 2024. Respondent's RN license is

active and the multistate privilege to practice nursing in states which have entered the Nurse Licensure Compact is deactivated.

2. Respondent has been at all times pertinent hereto certified by the Board as an advanced practice registered nurse (APRN) in the State of Tennessee, having been granted certificate number 20731 on November 10, 2015, which currently has an expiration date of September 30, 2022. Respondent's APRN certificate is expired.

3. Respondent has been at all times pertinent hereto certified by the Texas Board of Nursing (Texas Board) as an APRN in the State of Texas, having been granted certificate number API29980 on January 7, 2016, which currently has an expiration date of September 30, 2024. Respondent's APRN certificate is on probation and valid only in the State of Texas.

4. On August 2, 2022, the Texas Board ratified an Agreed Order, attached hereto as "Exhibit A," and incorporated by reference herein as though fully set forth, suspending Respondent's privilege to practice as an RN in Texas and Respondent's Texas APRN certificate due to Respondent's disclosure on his September 5, 2018, APRN Recognition Application that Respondent had been addicted to and/or treated for the use of alcohol/drugs. Regarding his substance abuse issues, Respondent further disclosed he had completed both an intensive outpatient and aftercare program and indicated a sobriety date of January 22, 2017, and that he attended regular AA meetings. Respondent was also disciplined due to his June 29, 2021, plea of Guilty of DRIVING WHILE INTOXICATED (DWI) 3<sup>rd</sup>, a 3<sup>rd</sup> degree felony offense, related to his June 8, 2019, DWI arrest. The Texas Board lifted the suspension and placed his RN privilege on probation. The Texas Board also placed Respondent's APRN certificate on probation but prohibited Respondent from working as an APRN in Texas until he completes three (3) years of probation for his RN privilege.

### III. Stipulated Grounds for Discipline

The Stipulations of Fact are sufficient to establish that Respondent has violated TENN. CODE ANN. § 63-7-101, *et seq.*, for which disciplinary action by the Board is authorized.

5. The facts stipulated in paragraph four (4) constitute a violation of TENN. CODE ANN. § 63-7-115(a)(1):

(F) Is guilty of unprofessional conduct.

6. The facts stipulated in paragraph four (4) constitute proof of Rule 1000-01-.13(1) of the TENN. COMP. R. & REGS., which defines “unprofessional conduct, unfitness or incompetency by reason of negligence, habits or other cause” as including, but not limited to:

(j) Revocation, suspension, probation or other discipline of a license to practice nursing by another state or territory of the United States for any act or omission which would constitute grounds for the revocation, suspension, probation or other discipline of a license in this state.

### IV. Stipulated Disposition

7. For the purpose of avoiding further administrative action with respect to this cause, Respondent agrees to **VOLUNTARILY SURRENDER** Respondent’s license and certificate to practice nursing in the State of Tennessee and the multistate privilege to practice in any other party state, beginning the effective date of this Order. Respondent understands that a voluntary surrender has the same effect as a revocation.

8. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

### V. Representations of Respondent

9. Respondent understands and admits the allegations, charges, and stipulations in this Order.

10. Respondent understands the rights found in the Code, Rules, and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing, the right to appear personally and by legal counsel, the right to confront and to cross-examine witnesses who would testify against Respondent, the right to testify and to present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.

11. Respondent agrees presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

12. Respondent agrees facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

13. Respondent also agrees the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.

14. Respondent agrees that Respondent has not received any threats or promises of any kind by the State or any agent or representative thereof, except such as is detailed herein.

## **VI. Notice**

15. The discipline in this Order is formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).



**APPROVED FOR ENTRY:**

Kalvin Hinton

Kalvin Hinton  
R.N. License No. 144388  
A.P.R.N. Certificate No. 20731  
Respondent

12/01/2022

DATE

Eric Winters

T. Eric Winters (BPR # 036263)  
Senior Associate General Counsel  
Tennessee Department of Health  
Office of General Counsel  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243  
(615) 532-7176

December 2, 2022

DATE

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**Approval by the Board**

Upon the agreement of the parties and the record as a whole, this **CONSENT ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Board of Nursing at a public meeting of the Board and signed this 8 day of February, 2023.

**ACCORDINGLY, IT IS ORDERED** that the agreements of the parties will, and hereby do, become the Final Order of the Board.

Amber Wyatt

Chairperson/Acting Chairperson  
Tennessee Board of Nursing

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Calvin Hinton, 2201 Bent Creek Court, Mansfield, Texas 76063, by delivering same in the United States regular mail and United States certified mail, number **7022 0410 0003 4911 0198**, return receipt requested, with sufficient postage thereon to reach its destination and via electronic mail at [phibeta98@gmail.com](mailto:phibeta98@gmail.com).

This 9<sup>th</sup> day of February, 2023.



T. Eric Winters  
Senior Associate General Counsel