



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.  
*Stephanie Chapman*  
Executive Director of the Board

**In the Matter of  
Permanent Vocational Nurse  
License Number 350476  
Issued to DYLON TERRY SMITH,  
Respondent**

**§ BEFORE THE TEXAS  
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§ BOARD OF NURSING**

**ORDER OF TEMPORARY SUSPENSION**

TO: Dylan Smith  
5316 Kara Dr  
Austin, TX 78744

A public meeting of the Texas Board of Nursing was held on July 24, 2023 at 1801 Congress Avenue, Suite 10-200, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 350476, issued to DYLON TERRY SMITH was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing presented evidence and information concerning the conduct of DYLON TERRY SMITH and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

On or about May 18, 2023, Respondent became non-compliant with the Board Order issued to you on February 21, 2023. Non-compliance is the result of his failure to comply with Stipulations Number One (1) A of the Order dated February 21, 2021, which states is part:

- I. A. within forty-five (45) days following the effective date of this Order, Respondent shall apply to TPAPN.

Respondent declined participation with TPAPN and stated he wished to give up his nursing license. Respondent’s case with TPAPN was closed and referred to the Board.

**In the Matter of  
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### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DYLON TERRY SMITH, is a Vocational Nurse holding license number 350476, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record, and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### **CHARGE I.**

On or about May 18, 2023, Respondent became non-compliant with the Board Order issued to you on February 21, 2023. Non-compliance is the result of his failure to comply with Stipulations Number One (1) A of the Order dated February 21, 2021, which states is part:

- I. A. within forty-five (45) days following the effective date of this Order, Respondent shall apply to TPAPN.

Respondent declined participation with TPAPN and stated he wished to give up his nursing license. Respondent's case with TPAPN was closed and referred to the Board.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	CONFIDENTIAL
Vocational Nurse License Number 350476	§	AGREED ORDER
issued to DYLON TERRY SMITH	§	FOR
	§	PEER ASSISTANCE

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DYLON TERRY SMITH, Vocational Nurse License Number 350476, 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)(10),(12)&(13)(effective through 8/31/21), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Confidential Agreed Order for Peer Assistance approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 3, 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 Confidential Agreed Order for Peer Assistance.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Northeast Texas Community College, Mt Pleasant, Texas, on August 16, 2019. Respondent was licensed to practice vocational nursing in the State of Texas on September 17, 2019.

## 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 §217.11(1)(A),(1)(B)&(1)(T) and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(5),(10)(A),(10)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b) (10),(12)&(13)(*effective through 8/31/21*), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 350476, heretofore issued to DYLON TERRY SMITH.
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. **PEER ASSISTANCE PROGRAM REQUIREMENTS**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the **Texas Peer Assistance Program for Nurses (TPAPN)**:

- A. **Within forty-five (45) days** following the effective date of this Order, RESPONDENT SHALL apply to TPAPN.
- B. **Within ninety (90) days** following the effective date of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable 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.

**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.

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. CONFIDENTIALITY REQUIREMENTS**

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should RESPONDENT fail to successfully complete the terms of this Order or should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

**VI. 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.

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

**RESPONDENT'S CERTIFICATION**

I have read the Order of the Board of Professional Conduct, prior to signing this Order. I have reviewed the Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a license. The licensee is eligible to participate in the Texas Peer Assistance Program for Nurses. Upon signature of this Order, I agree to the entry of this Order and all conditions of said Order, to accept all terms of the conditions through peer assistance and to avoid further disciplinary action on the 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 FEMPOD/CIVIL S. 89E.051 by paragraph to Section 901.4551 - Texas Occupations Code, and/or suspension or revocation of my license and/or privileges to practice nursing in the State of Texas, as provided in the Order of the Board.

Signature: Val day of February, 2023

VAL  
VALON FERRY SMITH, RESPONDENT

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

Notary Public in and for the State of

\_\_\_\_\_

Deborah Goodall Attorney for Respondent

Signature: 21<sup>st</sup> day of February, 2023