



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

In the Matter of	§	REINSTATEMENT
Vocational Nurse License Number 189384	§	AGREED ORDER
issued to JOELY DANIELLE LOPEZ	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement, hereinafter referred to as the Petition, of Vocational Nurse License Number 189384, held by JOELY DANIELLE LOPEZ, hereinafter referred to as Petitioner.

Petitioner waived notice and hearing and agreed to the entry of this Reinstatement Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 17, 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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Reinstatement Agreed Order.
3. Petitioner received a Certificate in Vocational Nursing from Temple Junior College, Temple, Texas, on May 10, 2002. Petitioner was licensed to practice vocational nursing in the State of Texas on July 3, 2003.
4. Petitioner's nursing employment history includes:

7/03 – 2/04	Unknown	
3/04 – 1/05	LVN	Rosewood Living Center Killeen, Texas
1/05 – 4/05	LVN	Temple Living Center East Temple, Texas
4/05 – 6/05	Unknown	

Petitioner's nursing employment history continued:

6/05 – 3/11	LVN	Outreach Health Service Killeen, Texas
3/11	LVN	Epic Healthcare Temple, Texas
7/11	LVN	Medical Staffing Network Temple, Texas
5/12 Present	Not employed in nursing	

5. On or about May 16, 2012, the Board accepted the Voluntary Surrender of Petitioner's license(s) to practice nursing in the State of Texas through an Order of the Board. A copy of the May 16, 2012, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
6. On or about March 24, 2023, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
7. Petitioner presented the following in support of said petition:
 - A. Letter of support from Eli M. Lopez
 - B. Letter of support from Alexandria Wright, RN
 - C. Letter of support from Se Santos-Cho
 - D. Documentation of the required continuing education contact hours.
8. On or about June 29, 2023, Petitioner completed a forensic psychological evaluation, performed by Frank A. Pugliese, Ph.D. According to Dr. Pugliese, Petitioner acknowledged she exercised poor judgment on one occasion in the past during the time she was caring for a young patient with severe medical issues. Based on his observation and the results of the polygraph, which reflected no deception indicated, it is his opinion that Petitioner would be able to consistently behave in accordance with the requirements of Board rules. In addition, it is his opinion that there is a strong probability that Petitioner would be able to consistently avoid behaviors identified by the Board as unprofessional conduct.
9. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for relicensure.
10. There is no evidence of any subsequent criminal conduct.

11. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, as applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
12. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
13. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. This reinstatement is made pursuant to Sections 301.453(c) and 301.467, Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26.
3. The Board may relicense an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
4. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, as applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
5. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).
6. 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. REINSTATEMENT OF LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of JOELY DANIELLE LOPEZ for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Vocational Nurse License Number 189384 is/are hereby **REINSTATED** in accordance with the terms of this Order.

- A. Until successfully completed, this Order SHALL apply to any and all future licenses issued to PETITIONER to practice nursing in the State of Texas.
- B. Until successfully completed, this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Until successfully completed, PETITIONER 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, PETITIONER'S license(s) will be designated "single state" as applicable and PETITIONER 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, PETITIONER 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 Reinstatement Agreed Order.

III. REQUIREMENTS FOR VOCATIONAL NURSING REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN VOCATIONAL NURSING

Prior to practicing as a vocational nurse in the State of Texas, PETITIONER SHALL:

- A. **Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Vocational Nursing** for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in vocational nursing. The application for the Six Month Temporary Permit is available via the Nurse Portal on the Board's website (www.bon.texas.gov). PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in vocational nursing.
- B. **Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for vocational nursing.** Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment. In order for the course to be approved:
1. The target audience shall include vocational nurses;
 2. The course instructor must be a qualified registered nurse who meets or exceeds the Board's minimum criteria for eligibility as an instructor;
 3. The course's content shall, at a minimum, include:
 - Review of NPA, Rules, and Position Statements;
 - Determination of Individual Scope of Practice and role in patient safety;
 - Review of the clinical problem solving process for the provision of individualized, goal directed nursing care to include: (i) Collecting data & performing focused nursing assessments; (ii) Participating in the planning of nursing care needs for clients; (iii) Participating in the development & modification of the comprehensive nursing care plan for assigned clients; (iv) Implementing appropriate aspects of care within the LVN's scope of practice; and (v) Assisting in the evaluation of the client's responses to nursing interventions and the identification of client needs;
 - Pharmacology review;
 - Medication administration;
 - Documentation, quality assurance, and legal implication for nursing practice; and
 - Documentation of current CPR certification prior to beginning precepted clinical learning experience; and
 4. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care precepted by a qualified registered or vocational nurse. Home study courses and video programs will not be approved.

- C. **Upon completion of the refresher course, extensive orientation, or nursing program of study for vocational nursing,** PETITIONER SHALL return the temporary permit to the Board's office and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required 80 hours of precepted clinical practice.
- D. **Upon verification of successful completion of the conditions** as set out in Paragraphs A through C of this Section, PETITIONER SHALL submit a completed License Reactivation Form for Vocational Nurses, which is available via the Nurse Portal on the Board's website (*www.bon.texas.gov*). PETITIONER shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be issued the applicable license to practice vocational nursing in the State of Texas, which shall be subject to the terms of this Order.

IV. **REMEDIAL EDUCATION COURSE(S)**

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) **within one (1) year of relicensure, 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 "Righting a Wrong,"** a 3.0 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), PETITIONER 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. PETITIONER 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.

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER must work as a nurse 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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** PETITIONER 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, PETITIONER 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:** PETITIONER 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. PETITIONER 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. **Indirect Supervision:** PETITIONER 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 PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment

agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- D. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the individual who supervises the PETITIONER 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 eight (8) quarters [two (2) years] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

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

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PETITIONER'S CERTIFICATION

I understand this Order is conditioned upon the accuracy and completeness of my petition and disclosures. I further understand that subsequently discovered discrepancies in my petition and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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 REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1 day of August, 2023.

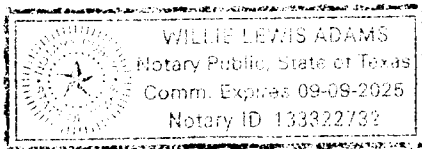
Joely Danielle Lopez
JOELY DANIELLE LOPEZ, PETITIONER

Sworn to and subscribed before me this 1st day of AUGUST, 2023.

SEAL

Willie Lewis Adams

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 1st day of August, 2023, by JOELY DANIELLE LOPEZ, Vocational Nurse License Number 189384, and said Reinstatement Agreed Order is final.

Effective this 12th day of September, 2023.

Kristin K. Benton, DNP, RN

Kristin K. Benton, DNP, RN
Executive Director on behalf
of said Board



I do hereby certify this to be a complete
true and correct copy of the original as
kept in the files of the Texas Board of Nursing
Attest: *Patricia A. Johnson*
Executive Director, Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 189384 §
issued to JOELY DANIELLE LOPEZ § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 189384, issued to JOELY DANIELLE LOPEZ, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Temple Junior College, Temple, Texas, on May 10, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on July 3, 2003.
5. Respondent's employment history includes:

7/2003-2/2004	Unknown
3/2004-1/2005	LVN Rosewood Living Center Killeen, Texas

Respondent's employment history continued:

1/2005-4/2005	LVN Temple Living Center East Temple, Texas
5/2005	Unknown
6/2005-3/2011	LVN Outreach Health Services Killeen, Texas
4/2011-Present	Unknown

6. At the time of the incident, Respondent was employed as a LVN with Outreach Health Services, Killeen, Texas, and had been in this position for five (5) years and nine (9) months.
7. On or about March 10, 2011, while employed with Outreach Health Service, Killeen, Texas, and assigned to care for Patient J.F. a two year old child, Respondent bit the child on the right forearm leaving a bruise the size and shape of her mouth and teeth. Respondent's conduct was likely to injure the patient in that it exposed the patient unnecessarily to a risk of experiencing physical, emotional and/or psychological harm.
8. On April 3, 2012, Respondent plead guilty to the charge Injury to a Child, a 3rd degree felony offense, under 22.04 Penal Code. As a result of her plea, adjudication of guilt was deferred and Respondent was placed on Community Supervision for ten (10) years.
9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

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 of Section 301.452(b)(3),(10)&(13), Texas Occupations Code and 301.4535(a)(7), and 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(6)(C)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational License Number 189384, heretofore issued to JOELY DANIELLE LOPEZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 189384, heretofore issued to JOELY DANIELLE LOPEZ, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: five (5) years have passed from the date Respondent successfully completes and is dismissed from community service, as is outlined in Finding of Fact Number Eight (8).
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

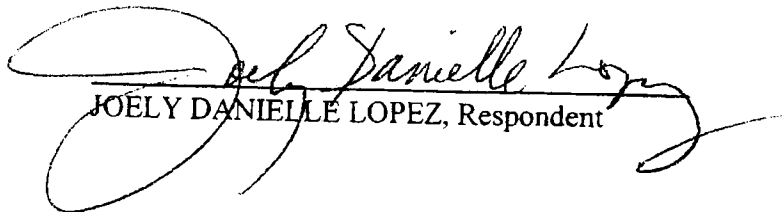
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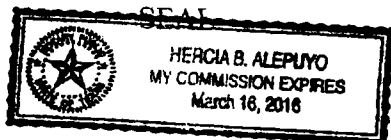
RESPONDENT'S CERTIFICATION


I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 14 day of May, 2012.


JOELY DANIELLE LOPEZ, Respondent

Sworn to and subscribed before me this 14 day of MAY, 2012.



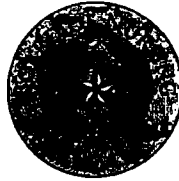

Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 189384, previously issued to JOELY DANIELLE LOPEZ.



Effective this 16th day of May, 2012.

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



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

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

July 3, 2013

Certified Mail No. 91 7199 9991 7032 9890 6534
Return Receipt Requested

Joely Danielle Lopez
403 Atlas Avenue
Killeen, Texas 76542

Dear Joely Danielle Lopez:

Your Application for Licensure by Examination and the supporting information related to your potential ineligibility for licensure under the Nursing Practice Act and the Board's Rules and Regulations Relating to Nurse Education, Licensure and Practice was considered by the Executive Director on April 12, 2013, pursuant to the Occupations Code Chapter 53 and §§301.257, 301.452, and 301.453, and 301.4535. You have been found to be ineligible for licensure as a nurse in the State of Texas based upon the grounds discussed below.

Our records indicate the following:

1. On or about March 10, 2011, while employed as a licensed vocational nurse with Outreach Health Service, Killeen, Texas, and assigned to Patient J.F., a two (2) year old child, you bit the child on the right forearm leaving a bruise the size and shape of your mouth and teeth. Your conduct was likely to injure the patient in that it exposed the patient unnecessarily to a risk of experiencing physical, emotional and/or psychological harm.
2. On or about April 3, 2012, you entered a plea of Guilty to INJURY TO A CHILD, a 3rd Degree felony offense, under 22.04 Penal Code, in the 27th District Court of Bell County, Texas, under Cause No. 69227. As a result of the plea, the proceedings against you were deferred without entering an adjudication of guilt and you were placed on Community Supervision for a period of ten (10) years, and ordered to pay a fine and court costs.
3. On or about May 16, 2012, you were issued an Agreed Order by the Texas Board of Nursing, accepting the Voluntary Surrender of Vocational Nurse License Number 189384.

You are subject to denial of licensure for this conduct pursuant to the following subsections of the Occupations Code §301.452(b):

...(3) a conviction for, or placement on deferred adjudication community supervision or deferred disposition for, a felony or for a misdemeanor involving moral turpitude; and

Members of the Board

Kristin Benton, MSN, RN
Austin, President

Deborah Bell, CLU, ChFC Abilene	Patricia Clapp, BA Dallas	Tamara Cowen, MSN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land	Richard Gibbs, LVN Mesquite
Kathy Leader-Horn, LVN Granbury	Mary M. LeBeck, MSN, RN Weatherford	Josefin Lujan, PhD, RN El Paso	Beverley Jean Nutall, LVN Bryan	Kathleen Shipp, MSN, RN, FNP Lubbock	

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

...(10) unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure a patient or the public; and

...(13) failure to care adequately for a patient or to conform to the minimum standards of acceptable nursing practice in a manner that, in the Board's opinion, exposes a patient or other person unnecessarily to risk of harm.

Further, pursuant to §301.452(c), the Board may refuse to admit a person to a licensing examination for a ground described under §301.452(b).

Further, Texas Occupations Code §301.4535 requires the denial of licensure for certain criminal history. Our records indicate that your criminal history falls within the requirements of §301.4535. Pursuant to §301.4535(a)(7), **the Board shall refuse to issue a license to an applicant on proof that the applicant has been initially convicted of intentionally, knowingly, or recklessly injuring a child, elderly, or disabled individual under Section 22.04, Penal Code.** Subsection (b) of the Texas Occupations Code §301.4535 states that, upon the applicant's plea of guilty for an offense listed under section 301.4535(a),¹ the Board, as appropriate, may not issue a license to an applicant. Finally, subsection (c) of that law states that a person is not eligible for an initial license to practice nursing in this state before the fifth anniversary of the date the person successfully completed and was dismissed from community supervision or parole.

Further, the Board has adopted rules, located at 22 Tex. Admin. Code §213.28, that set forth the considerations and criteria for determining the effect of criminal offenses on the eligibility of a person to obtain a license. Specifically, §213.28(d) requires the Board to suspend a nurse's license, revoke a license, or deny issuing a license to an applicant upon proof of initial conviction for a crime listed in §213.28(b)(1)(A)(i) - (xxi), (b)(2)(A)(i) - (iii), and (b)(3)(A)(i). Our records indicate that your criminal history falls within the requirements of §213.28(d).

The Board also requires petitioners to demonstrate their ability to consistently conform to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice; to possess good professional character; and to pose no threat to the health and safety of patients and the public. The Board has adopted a rule, located at 22 Tex. Admin. Code §213.27, that sets forth the factors and disciplinary and eligibility policies and guidelines that must be used in evaluating good professional character in eligibility and disciplinary matters. Based upon the factors specified in §213.27, you have failed to provide sufficient evidence of good professional character required by §213.27. Further, based upon your criminal history, the Board's Disciplinary Guidelines for Criminal Conduct require the denial of your licensure.

The Board's rules, 22 Tex. Admin. Code §213.27 - §213.33, the Board's Disciplinary Sanction Policies, including the Board's Disciplinary Guidelines for Criminal Conduct, and the Occupations Code Chapter 53, are hereby incorporated by reference herein and may be located on the Board's website at www.bon.texas.gov.

Due to this denial, you have the right to a public hearing before an Administrative Law Judge with the State Office of Administrative Hearings. Should you decide to appeal the decision to deny you licensure, please submit a written request for a public hearing, to the attention of Patricia Vianes-Cabrera, Executive Assistant, Office of General Counsel, 333 Guadalupe, Suite 3-460, Austin, Texas, 78701. Your written

¹TEX. OCC. CODE §301.4535 applies to any plea of guilty for a crime listed in section (a) that occurred on or after September 1, 2005.

request to appeal this decision must be received in our office within sixty (60) days of the date of this letter. Further, if this office receives information regarding additional criminal conduct or behavior that has not been previously disclosed to or discovered by this office, please be advised that evidence of such additional criminal conduct or behavior may be used against you during the public hearing in this matter to show that you lack the good professional character and other requirements for licensure.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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

KT/147

s.wpd(12-08-2011)