



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.  
*Kristin K. Benton, DNP, RN*  
Executive Director  
Texas Board of Nursing

## Texas Board of Nursing

1801 Congress Avenue, Suite 190 200 Austin, TX 78701  
Phone: (512) 395 7490 Fax: (512) 395 7491 [sva@bon.texas.gov](mailto:sva@bon.texas.gov)  
Kristin K. Benton, DNP, RN  
*Executive Director*

November 9, 2023

Certified Mail No. 9214 8901 9403 8300 0038 0888 71  
Return Receipt Requested, Copy Via USPS First Class Mail

Valeria Calamaco  
14656 Rockbridge  
El Paso, TX 79938

Dear Ms. Calamaco:

Your Petition for Declaratory Order 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 was considered by the Executive Director of the Board.

You have been found to be ineligible for licensure as a nurse in the State of Texas based upon the grounds discussed below. **This is a final determination of licensure denial.**

Our records indicate the following:

On or about June 14, 2017, you entered a plea of Guilty to 2 Counts of ABANDONING/ENDANGERING CHILD WITH INTENT TO RETURN, both State Jail felony offenses committed on December 18, 2016, in the 409<sup>th</sup> District Court, El Paso County, Texas, under Case No. 20170D01219. As a result of the plea, the proceedings against you were deferred without entering an adjudication of guilt and you were placed on probation for a period of four (4) years, and ordered to pay a fine and court costs. On or about March 4, 2020, you were discharged early from probation.

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(b), **the Board may not issue a license to an applicant on proof that the applicant has been finally convicted or pled guilty or nolo contendere to an offense listed under section 301.4535(a)**<sup>1</sup>. Finally, subsection (c) of that law states that a person is not eligible for an initial license or for reinstatement or endorsement of a license to practice nursing in this state

<sup>1</sup> TEX. OCC. CODE §301.4535 applies to an initial conviction, final conviction, or plea of guilty or nolo contendere for a crime listed in subsection (a) that occurred on or after September 1, 2005.

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

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

before the fifth anniversary of the date the person successfully completed and was dismissed from community supervision or parole.

Further, §213.28(k)(1) provides that the Board is required under Texas Occupations Code §301.4535(b) to deny an individual initial licensure or licensure renewal and to revoke an individual's nursing license or privilege to practice nursing in Texas upon a final conviction or a plea of guilty or nolo contendere for a criminal offense specified in §301.4535(a).

Further, the factors set out in 22 Texas Administrative Code §213.33 and §213.28(h) and Texas Occupations Code Chapter 53, specifically §53.022 and §53.023, do not apply in a case subject to Texas Occupations Code §301.4535. The State Office of Administrative Hearings has decided this question on several previous occasions.<sup>2</sup>

22 Tex. Admin. Code §213.28(k)(1) and Texas Occupations Code Chapter 301, are hereby incorporated by reference herein and may be located on the Board's website at [www.bon.texas.gov](http://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 Office of General Counsel, 1801 Congress Avenue, Suite 10-200, Austin, Texas, 78701. Your written 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.

Further, should the decision to deny your licensure be upheld by the State Office of Administrative Hearings, you will be entitled to judicial review by filing an action in the district court of Travis County, Texas. A petition for such an action must be filed not later than the 30<sup>th</sup> day after the date the licensing authority's decision is final and appealable.

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<sup>2</sup> See the following PFDs: Texas Board of Nursing v. Tina Gail Marek 507-16-1444, 507-16-1444, PFD filed on January 21, 2016; Texas Board of Nursing v. Tvarski Lashawn Stone 507-16-0557, PFD filed on April 11, 2016; Texas Board of Nursing v. Nathanael Shay McGrew 506-18-2492, PFD filed on March 23, 2018; Texas Board of Nursing v. Christopher R. Robbins 507-19-0028, PFD filed on September 26, 2018; Texas Board of Nursing v. Eric Michelle Jackson 507-18-3633, PFD filed on October 31, 2018; Texas Board of Nursing v. Derek K. Quillian 507-18-4086, PFD filed on December 5, 2018; Texas Board of Nursing v. Erin Jones 507-19-1152, PFD filed on December 19, 2018; Texas Board of Nursing v. Rene Ian Dominguez 507-19-3208, PFD filed on March 27, 2019.

Valeria Calamaco  
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If you have any questions, please contact Enforcement at (512) 305-6838.

Sincerely,

*Kristin K. Benton, DNP, RN*

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Executive Director

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S-4535 (2023.10.30)