



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Vocational Nurse License Number 309850
issued to ASHLEY NICHOLE MCCLESKEY

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, consider the matter of ASHLEY NICHOLE MCCLESKEY, Vocational Nurse License Number 309850, 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.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on September 19, 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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Vernon College, Wichita Falls, Texas, on August 16, 2012. Respondent was licensed to practice vocational nursing in the State of Texas on September 20, 2012.
5. Respondent's nursing employment history is unknown.

6. On or about January 19, 2023, Respondent pled Guilty to INJURY CHILD/ELDERLY/DISABLED RECKLESS BI, State Jail Felony offense committed on October 26, 2021, in the 89th District Court of Wichita County, Texas, under Cause No. DC89-CR2022-0539. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of Guilt, and Respondent was placed on probation for a period of five (5) years and ordered to pay a fine and court costs.
7. On or about September 14, 2023, Respondent completed a forensic psychological evaluation, performed by Matthew L. Ferrara, Ph.D. According to Dr. Ferrara, Respondent appears to be a low risk for future criminal conduct. Despite the positive finding, there is cause for concern. Respondent told the examiner she repeatedly abused a 4yr old child she was babysitting, while pregnant with her 2nd child. Respondent reportedly told the polygraph examiner of multiple incidents over the course of her nursing career that she was reportedly labeled as abusive. Given her recent criminal legal involvement and her admission of aggressive behavior while working as a nurse, Respondent should not use her nursing license at this time. It's recommended that Respondent complete an aggression control class and psychoeducational training that focuses on mindfulness and emotional self-regulation. Respondent could be considered for license in the future, especially if she completes the recommended treatment.
8. Formal Charges were filed on April 3, 2023.
9. Respondent by her signature expresses her desire to voluntary surrender the licenses.

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, to take disciplinary action against Vocational Nurse License Number 309850, heretofore issued to ASHLEY NICHOLE MCCLESKEY.
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

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 309850 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/himself 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 at least one (1) year has elapsed from the date of this Order.
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 Order. I waive representation by counsel. 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 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

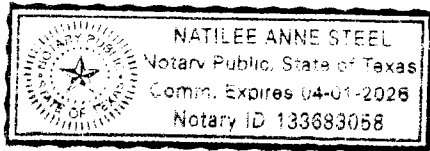
Signed this 15 day of November, 2023
Ashley Nichole McCleskey
ASHLEY NICHOLE MCCLESKEY, RESPONDENT

Sworn to and subscribed before me this 15 day of November, 2023.

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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 ratify and adopt the Agreed Order that was signed on the 15th day of November, 2023, by ASHLEY NICHOLE MCCLESKEY, Vocational Nurse License Number 309850, and said Agreed Order is final.

Effective this 27th day of November, 2023.

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