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 the document which is on file or is of record in the offices of the
 Texas Board of Nursing.
 Kristina K. Benton, DNP, RN
 Executive Director
 Texas Board of Nursing

DOCKET NUMBER 507-23-24296

IN THE MATTER OF PERMANENT REGISTERED NURSE LICENSE NUMBER 991079, ISSUED TO DESIRE POOL, RESPONDENT	§ BEFORE THE STATE OFFICE § OF § ADMINISTRATIVE HEARINGS
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OPINION AND ORDER OF THE BOARD

TO: DESIRE POOL
 3606 CANDLEHEAD LANE
 SAN ANTONIO, TX 78244

KATERINA DEANGELO
 ADMINISTRATIVE LAW JUDGE
 PO BOX 13025
 AUSTIN, TX 78711-3025

At the regularly scheduled public meeting on January 25, 2024, the Texas Board of Nursing (Board) considered the following items: the Proposal for Decision (PFD) regarding the above cited matter; Staff's recommendation to the Board regarding the PFD and order; and Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by either party.

The Board, after review and due consideration of the PFD; Staff's recommendations; and the recommendations made by the Respondent, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

Recommendation for Sanction

Pursuant to Tex. Occ. Code. §301.459(a-1), the Administrative Law Judge may make a recommendation regarding an appropriate action or sanction. The Board, however, has the sole authority and discretion to determine the appropriate action or sanction. The Board agrees with the ALJ that revocation is statutorily mandated in this case pursuant to Tex. Occ. Code §301.4535(b).

IT IS, THEREFORE, ORDERED THAT Registered Nurse License Number 991079, previously issued to DESIRE POOL, to practice nursing in the State of Texas be,


and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.

FURTHER, pursuant to the Occupations Code §301.4535(c), Respondent is not eligible to petition for reinstatement of licensure until at least five (5) years have elapsed from the date the RESPONDENT completes and is dismissed from community supervision or parole. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for relicensure.

Entered this 25th day of January, 2025.

TEXAS BOARD OF NURSING


KRISTIN K. BENTON, DNP, RN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-23-24296 (September 22, 2023)

FILED
507-23-24296
9/22/2023 2:35 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

ACCEPTED
507-23-24296
9/22/2023 2:36:40 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

September 22, 2023

JoAnna Starr
Texas Board of Nursing

VIA EFILE TEXAS

Desire Pool

VIA EFILE TEXAS

RE: Docket Number 507-23-24296; *Texas Board of Nursing v. Desire Pool*

Dear Parties:

Please find attached a Proposal for Decision in this case.

Exceptions and replies may be filed by any party in accordance with 1 Texas Administrative Code section 155.507(b), a SOAH rule which may be found at www.soah.texas.gov.

CC: Service List

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS BOARD OF NURSING,
PETITIONER
v.
DESIRE POOL,
RESPONDENT**

PROPOSAL FOR DECISION ON SUMMARY DISPOSITION

The staff (Staff) of the Texas Board of Nursing (Board) seeks to revoke the registered nurse (RN) license of Desire Pool (Respondent) because she pleaded nolo contendere to the third-degree felony offense of VIOL BOND/PROTECTIVE ORDER ASS, a violation of the Texas Penal Code section 25.07(G)(2)(B). Staff filed a Motion for Summary Disposition (Motion) requesting a proposal for decision in its favor as a matter of law. Respondent did not file a response. After considering the pleadings, the summary disposition evidence, and the applicable law, the Administrative Law Judge (ALJ) granted the Motion and concluded that

Respondent's RN license is subject to mandatory revocation. Therefore, the ALJ recommends the Board revoke Respondent's RN license.

I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY

On July 26, 2023, Staff referred this case to the State Office of Administrative Hearings for a contested case hearing. Staff filed and served Respondent with the Motion and supporting evidence, as well as with a Notice of Hearing and the Formal Charges. Respondent did not file a response.¹ On September 14, 2023, the ALJ issued an order granting the Motion, and the record closed on that same date.

Staff's evidence established jurisdiction and proper notice to Respondent. Those matters are set out in the Findings of Fact and Conclusions of Law without further discussion.

II. SUMMARY DISPOSITION EVIDENCE

Staff presented uncontested summary disposition evidence (Exhibits 1 and 2) establishing the following relevant facts:

- The Board issued RN license number 991079 to Respondent on June 4, 2020. Respondent's RN license is in current status.²
- On or about January 6, 2023, Respondent pleaded nolo contendere to the third-degree felony offense of VIOL BOND/PROTECTIVE ORDER ASS in the 290th District Court in Bexar County, Texas, a violation of Texas

¹ 1 Tex. Admin. Code § 155.505(b)(2).

² Staff's MSD Ex. 1.

Penal Code section 25.07, for which she received six years deferred adjudication probation. The offense was committed on April 21, 2022.³

III. APPLICABLE LAW

Summary disposition of a contested case may be granted, in full or in part, without the necessity of a hearing on the merits if the pleadings, the motion for summary disposition, and the summary disposition evidence show that there is no genuine issue as to any material fact and that the moving party is entitled to a decision in its favor as a matter of law on all or some of the issues expressly set out in the motion.⁴

Texas Occupations Code section 301.4535 (b) requires the Board to revoke a nurse's license if the nurse enters a plea of nolo contendere to one of the offenses listed in subsection (a), including a violation of bond conditions under Texas Penal Code section 25.07.⁵

IV. ANALYSIS AND RECOMMENDATION

The uncontroverted summary disposition evidence shows that on January 6, 2023, Respondent pleaded nolo contendere to the third-degree felony offense of VIOL BOND/PROTECTIVE ORDER ASS in the 290th District Court in Bexar County, Texas. Respondent received six years deferred adjudication probation. The offense was committed on April 21, 2022. Respondent's judgment of

³ Staff's MSD Ex. 2.

⁴ 1 Tex. Admin. Code § 155.505(a).

⁵ Tex. Occ. Code § 301.4535(a)(10), (b).

conviction indicates the statute that establishes the criminal conduct for which she will be punished is Texas Penal Code section 25.07.⁶

The Board is required to revoke a nurse's license if the nurse enters a plea of nolo contendere to a violation of bond conditions under Texas Penal Code section 25.07.⁷ Therefore, as a matter of law, Respondent's RN license is subject to mandatory revocation, and the ALJ does not have discretion to recommend otherwise.

For these reasons, the ALJ recommends that the Board revoke Respondent's RN license.

V. FINDINGS OF FACT

1. The Texas Board of Nursing (Board) issued registered nurse (RN) license number 991079 to Desire Pool (Respondent) on June 4, 2020.
2. Respondent's RN license is in current status.
3. On or about January 6, 2023, Respondent pleaded nolo contendere to the third-degree felony offense of VIOL BOND/PROTECTIVE ORDER ASS, a violation of Texas Penal Code section 25.07, for which she received six years deferred adjudication probation. The offense was committed on April 21, 2022.
4. On July 26, 2023, the Board referred this case to the State Office of Administrative Hearings (SOAH) for a contested case hearing.

⁶ Staff's MSD Ex. 2.

⁷ Tex. Occ. Code § 301.4535(a)(10), (b).

5. On August 10, 2023, the Board filed and served its Notice of Hearing on Respondent. The notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and either a short, plain statement of the factual matters asserted or an attachment that incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency.
6. On August 10, 2023, the Board filed and served Respondent with its Motion for Summary Disposition (Motion) and supporting evidence.
7. Respondent did not file a response.
8. On September 14, 2023, the Administrative Law Judge issued Order Granting the Board's Motion, canceling the hearing scheduled on October 12, 2023, and closing the record on that same date.

VI. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter. Tex. Occ. Code ch. 301.
2. SOAH has jurisdiction over the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; Tex. Occ. Code § 301.454(c).
3. Respondent received timely and adequate notice of the allegations against her. Tex. Gov't Code §§ 2001.051-.052.
4. Summary disposition shall be granted on all or part of a contested case if the pleadings, the motion for summary disposition, and the summary disposition evidence show that there is no genuine issue as to any material fact and that the moving party is entitled to a decision in its favor as a matter of law on all or some of the issues expressly set out in the motion. 1 Tex. Admin. Code § 155.505(a).
5. Violation of Bond or a Protective Order is a third-degree felony offense under section 25.07 of the Texas Penal Code. Tex. Penal Code § 25.07(g)(2)(B).

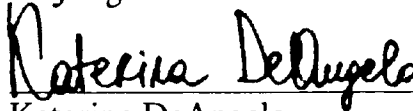
6. Respondent's RN license is subject to mandatory revocation. Tex. Occ. Code § 301.4535(a)(10), (b).

VII. RECOMMENDATION

Based on the above findings of fact and conclusions of law, the ALJ recommends that the Board revoke Respondent's RN license.

Signed September 22, 2023.

ALJ Signature:

A handwritten signature in black ink that reads "Katerina DeAngelo". The signature is written in a cursive style and is positioned above a horizontal line.

Katerina DeAngelo

Presiding Administrative Law Judge

Automated Certificate of eService

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Envelope ID: 79854059

Filing Code Description: Proposal for Decision on Summary Disposition

Filing Description: PROPOSAL FOR DECISION ON SUMMARY DISPOSITION

Status as of 9/22/2023 2:37 PM CST

Associated Case Party: TEXAS BOARD OF NURSING

Name	BarNumber	Email	TimestampSubmitted	Status
Cynthia LLoCastro		cynthia.locastro@bon.texas.gov	9/22/2023 2:35:33 PM	SENT
JoAnna Starr		joanna.starr@bon.texas.gov	9/22/2023 2:35:33 PM	SENT

Associated Case Party: DESIREPOOL

Name	BarNumber	Email	TimestampSubmitted	Status
DESIRE POOL		DESIREPOOL@ICLOUD.COM	9/22/2023 2:35:33 PM	SENT

ACCEPTED
507-23-24296
10/10/2023 11:54:56 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

FILED
507-23-24296
10/10/2023 11:50 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

October 10, 2023

JoAnna Starr
Texas Board of Nursing

VIA EFILE TEXAS

Desire Pool

VIA EFILE TEXAS

RE: Docket Number 507-23-24296.TBN; *TEXAS BOARD OF NURSING v. DESIRE POOL*

Dear Parties:

Please be advised that the time period to file exceptions to the Proposal for Decision (PFD) issued in the above-referenced hearing has expired and neither party filed exceptions. *See* 1 Tex. Admin. Code § 155.507(b). Therefore, the Administrative Law Judge recommends that the PFD be adopted as written. Because SOAH has concluded its involvement in the matter, the case is being returned to the Texas Board of Nursing. *See* Tex. Gov't Code § 2003.051(a).

CC: Service List

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Filing Code Description: No Exceptions Letter (By ALJ)

Filing Description: NO EXCEPTIONS LETTER

Status as of 10/10/2023 11:55 AM CST

Associated Case Party: TEXAS BOARD OF NURSING

Name	BarNumber	Email	TimestampSubmitted	Status
Cynthia LLoCastro		cynthia.locastro@bon.texas.gov	10/10/2023 11:50:55 AM	SENT
JoAnna Starr		joanna.starr@bon.texas.gov	10/10/2023 11:50:55 AM	SENT

Associated Case Party: DESIREPOOL

Name	BarNumber	Email	TimestampSubmitted	Status
DESIRE POOL		DESIREPOOL@ICLOUD.COM	10/10/2023 11:50:55 AM	SENT