

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 222848 issued to TVARSKI LASHAWN STONE	§ § § §	REINSTATEMENT AGREED ORDER
---	------------------	--

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considere the Petition for Reinstatement, hereinafter referred to as the Petition, of Vocational Nurse License Number 222848, held by TVARSKI LASHAWN STONE, hereinafter referred to as Petitioner.

Petitioner waived notice and hearing and agreed to the entry of this Reinstatement Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on May 15, 2025.

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 Concorde Career College, Grand Prairie, Texas, on June 19, 2009. Petitioner was licensed to practice vocational nursing in the State of Texas on July 23, 2009.
4. Petitioner's nursing employment history includes:

2009	LVN Charge Nurse	Lifecare Center of Halton Haltom City, Texas
2013	LVN	Abundant Home Health Arlington, Texas
2015 -2016	LVN Charge Nurse	Marine Creek Nursing Rehab Fort Worth, Texas
2016 – Present		Not employed in nursing

5. On or about July 21, 2016, Petitioner's license(s) to practice nursing in the State of Texas was Revoked through an Order of the Board. A copy of the July 21, 2016, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
6. On or about June 10, 2024, 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 Clinton Lewis, Owner of Damari Logistics LLC.
 - B. Letter of support, from Brandi Walker, RN
 - C. Letter of support dated June 9, 2024, from Kenneth Nembu, RN,BSN,MSN,PMHNP
 - D. Letter of support, from Esther Castillo, LVN
 - E. Letter of support, from Soraya Cardenas, RN
 - F. Documentation of the required continuing education contact hours.
8. 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.
9. There is no evidence of any subsequent criminal conduct.
10. 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.
11. 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.
12. 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 TVARSKI LASHAWN STONE for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Vocational Nurse License Number 222848 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:
 - o Review of NPA, Rules, and Position Statements;
 - o Determination of Individual Scope of Practice and role in patient safety;
 - o 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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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 four (4) quarters [one (1) year] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

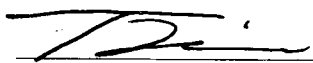
Upon full compliance with the terms of this Reinstatement Agreed Order, all encumbrances will be removed from PETITIONER'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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.

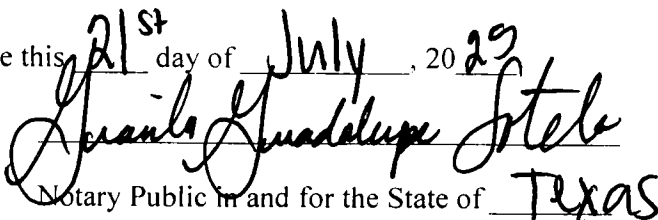
Signed this 21st day of July, 2025.



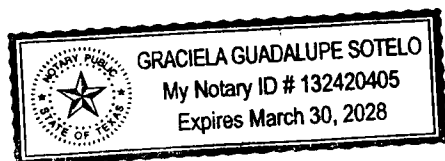
TVARSKI LASHAWN STONE, PETITIONER

Sworn to and subscribed before me this 21st day of July, 2025

SEAL



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 21st day of July, 2025, by TVARSKI LASHAWN STONE, Vocational Nurse License Number 222848, and said Reinstatement Agreed Order is final.

Effective this 19th day of August, 2025.

Kristin K. Benton, DNP, RN

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



I 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 A. Williams
Executive Director of the Board

DOCKET NUMBER 507-16-0557

**IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 222848
ISSUED TO
TVARSKI LASHAWN STONE**

§
§
§
§
§

**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

OPINION AND ORDER OF THE BOARD

**TO: TVARSKI LASHAWN STONE
702 N. EMMA DR.
ARLINGTON, TX 76002**

**JOANNE SUMMERHAYS
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701**

At the regularly scheduled public meeting on July 21-22, 2016, the Texas Board of Nursing (Board) considered the following items: (1) the Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt the PFD without changes; and (3) 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 any party.

The Board, after review and due consideration of the PFD; Staff's recommendations; and the presentation by the Respondent during the open meeting, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

Recommendation for Sanction

Although the Board is not required to give presumptively binding effect to an ALJ's recommendation regarding sanctions in the same manner as with other findings of fact or conclusions of law,¹ the Board agrees with the ALJ that revocation of the Respondent's

¹ The Board, not the ALJ, is the final decision maker concerning sanctions. Once it has been determined that a violation of the law has occurred, the sanction is a matter for the agency's discretion. Further, the mere labeling of a recommended sanction as a conclusion of law or as a finding of fact does not change the effect of the ALJ's recommendation. As such, the Board is not required to give presumptively binding effect to an ALJ's recommendation regarding sanctions in the same manner as with other findings of fact and conclusions of law. The choice of penalty is vested in the agency, not in the courts. An agency has broad discretion in determining which sanction best serves the statutory policies committed to the agency's oversight. The propriety of a particular disciplinary measure is a matter of internal administration with which the courts should not interfere. See *Texas State*

vocational nursing license is required by law.²

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 222848, previously issued to TVARSKI LASHAWN STONE, 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 successfully 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 21st day of July, 2016.

TEXAS BOARD OF NURSING


KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-16-0557 (April 11, 2016)

Board of Dental Examiners vs. Brown, 281 S.W. 3d 692 (Tex. App. - Corpus Christi 2009, pet. filed); *Sears vs. Tex. State Bd. of Dental Exam'rs*, 759 S.W.2d 748, 751 (Tex.App. - Austin 1988, no pet); *Firemen's & Policemen's Civil Serv. Comm'n vs. Brinkmeyer*, 662 S.W.2d 953, 956 (Tex. 1984); *Granek vs. Tex. State Bd. of Med. Exam'rs*, 172 S.W.3d 761, 781 (Tex.App. - Austin 2005, pet. denied); *Fay-Ray Corp. vs. Tex. Alcoholic Beverage Comm'n*, 959 S.W.2d 362, 369 (Tex.App. - Austin 1998, no pet.).

² See adopted Conclusion of Law Number 5.

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

April 11, 2016

Katherine A. Thomas, M.N., R.N.
Executive Director
Texas Board of Nursing
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

VIA INTERAGENCY

RE: Docket No. 507-16-0557; Texas Board of Nursing v. Tvarski Lashawn Stone

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision on Summary Disposition in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 Tex. Admin. Code § 155.507(c), a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,

A handwritten signature in cursive script that reads "Joanne Summerhays".

Joanne Summerhays
Administrative Law Judge

JS/mle

Enclosures

xc: John Vanderford, Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 - VIA INTERAGENCY
Kathy A. Hoffman, Legal Assistant Supervisor, Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 - VIA INTERAGENCY
Tvarski Lashawn Stone, 702 N. Emma Dr., Arlington, TX 76002 - VIA REGULAR MAIL

SOAH DOCKET NO. 507-16-0557

TEXAS BOARD OF NURSING,
Petitioner

v.

TVARSKI LASHAWN STONE,
LICENSED VOCATIONAL NURSE
CERTIFICATE NO. 222848,
Respondent

§
§
§
§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION
DISPOSING OF CASE BY SUMMARY DISPOSITION

The staff (Staff) of the Texas Board of Nursing (Board) seeks to revoke the vocational nurse license of Tvarski Lashawn Stone (Respondent) because she was convicted of committing the felony offense of Aggravated Assault with a Deadly Weapon. Staff filed a Motion for Summary Disposition requesting a decision in its favor as a matter of law. Respondent did not file a response to the motion. After considering the Staff's motion and evidence and the applicable law, the Administrative Law Judge (ALJ) concludes that the Motion for Summary Disposition should be granted and recommends that the Board revoke Respondent's license. The hearing scheduled for April 18, 2016, is **CANCELLED**.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

Staff filed Formal Charges against Respondent on March 31, 2015,¹ and referred this case to the State Office of Administrative Hearings (SOAH) for a contested case hearing. Staff filed and served Respondent with its Amended Notice of Hearing on February 16, 2016.² The matter was set for hearing on April 18, 2016. On February 22, 2016, Staff filed and served a Motion for Summary Disposition with supporting evidence. Respondent failed to file a response, and the deadline for her to do so has now passed.

¹ Staff Ex. 4.

² Staff Ex.4.

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 (Staff Exhibits 1-4) establishing the following relevant facts:

- Respondent is a Texas licensed vocational nurse who holds license number 222848 issued by the Board.³
- On March 24, 2014, in Case No. 1315593D, in the Criminal District Court No. 1 of Tarrant County, Texas, Respondent was convicted of Aggravated Assault with a Deadly Weapon, a second degree felony, and ordered to be incarcerated for the period of 10 years. The offense was committed on February 5, 2013.⁴
- Respondent's sentence of confinement was suspended and Respondent was placed on community supervision for a period of ten years.⁵

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.⁶

The Nursing Practice Act includes a provision that requires the Board to suspend or refuse to issue a license to a nurse or applicant who has been convicted or pleaded guilty to

³ Staff Ex. 1.

⁴ Staff Ex. 2.

⁵ Staff Ex. 2.

⁶ 1 Tex. Admin. Code § 155.505(a).

certain crimes. Specifically, Texas Occupations Code § 301.4535(a)(6) requires the Board to suspend the license of a nurse who has been “initially convicted” of “aggravated assault under Section 22.02, Penal Code.”⁷ That statute goes on to provide, “On final conviction or a plea of guilty or nolo contendere for an offense listed in Subsection (a), the board, as appropriate, may not issue a license to an applicant, shall refuse to renew a license, or shall revoke a license.”⁸ The use of the term “shall” in this statute imposes a duty on the Board to take the action specified.⁹

Here, there is no genuine issue of material fact that, on March 24, 2014, Respondent was convicted of aggravated assault with a deadly weapon, and was sentenced to ten years’ community supervision for her offense. Respondent’s offense is a felony pursuant to Texas Penal Code § 22.02.¹⁰ Her conviction for aggravated assault constitutes grounds for mandatory revocation of Respondent’s license under section 301.4535, and Respondent is therefore not eligible to hold a nursing license. Accordingly, the ALJ grants Staff’s Motion for Summary Disposition and recommends that the Board revoke Respondent’s license.

IV. FINDINGS OF FACT

1. Tvarski Lashawn Stone (Respondent) is a licensed vocational nurse, holding license number 222848 issued by the Texas Board of Nursing (Board).
2. On March 24, 2014, in Case No. 1315593D, in the Criminal District Court No. 1 of Tarrant County, Texas, Respondent was convicted of Aggravated Assault with a Deadly Weapon, a second degree felony, and ordered to be incarcerated for the period of 10 years. The offense was committed on February 5, 2013.
3. Respondent’s sentence was suspended and she was placed on community supervision for a period of ten years.

⁷ Tex. Occ. Code § 301.4535(a)(6).

⁸ Tex. Occ. Code § 301.4535(b) (emphasis added)

⁹ Tex. Gov’t Code § 311.016(2).

¹⁰ Tex. Penal Code § 22.041(b), (d)(1).

4. On March 31, 2015, Staff for the Board served Respondent with its formal charges and referred the case to the State Office of Administrative Hearings for a contested case hearing.
5. On February 16, 2016, Staff of the Board filed and served Respondent with an Amended Notice of Hearing which contained a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the applicable rules and statutes; and a short plain statement of the matters asserted.
6. On February 22, 2016, Staff filed and served a Motion for Summary Disposition with supporting evidence.
7. Respondent did not file a response to the Motion for Summary Disposition.

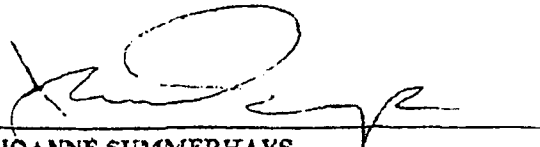
V. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter. Tex. Occ. Code §§ 301.458-.459.
2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law. Tex. Gov't Code ch. 2003.
3. A contested case may be disposed of by summary disposition without an evidentiary hearing if the pleadings, affidavits, materials obtained by discovery, admissions, matters officially noticed, stipulations, or evidence of record show there is no genuine issue as to any material fact and that a party is entitled to a decision in its favor as a matter of law. 1 Tex. Admin. Code § 155.505(a).
4. The pleadings and summary disposition evidence provided with Staff's Motion for Summary Disposition show there is no genuine issue as to any material fact and that Staff is entitled to a decision in its favor as a matter of law. 1 Tex. Admin. Code § 155.505(a).
5. The Board is required to revoke the license of a nurse who has been convicted of aggravated assault under Texas Penal Code § 22.02. Tex. Occ. Code § 301.4535(a)(6), (b).

VI. RECOMMENDATION

Based on the above Findings of Fact and Conclusions of Law, the ALJ recommends that the Board revoke Respondent's license to practice nursing in the State of Texas.

SIGNED April 11, 2016.

A handwritten signature in black ink, appearing to read 'Joanne Summerhays', is written over a horizontal line.

**JOANNE SUMMERHAYS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**