

Texas Board of Nursing Cases Shall Follow the Texas Rules of Evidence

WHEREAS the Texas Board of Nursing (BON) employees has been witnessed to deny admittance of exculpatory evidence that would have proven the nurse defendant's innocence and,

WHEREAS the BON, under administrative law, denies nurse defendants pertinent discovery rights that are not protected or subject to state discovery law therefore impairing the nurse's ability to defend themselves against alleged violations and,

WHEREAS the BON employees have been witnessed to fabricate evidence in a State Office of Administrative Hearing (SOAH) mediation and,

WHEREAS initial board complaints are often vague and overly broad preventing nurses to attain adequate information to respond with sufficient specificity and,

WHEREAS specifics of the alleged violations against a nurse are only disclosed once formal charges are filed and charges are based upon allegation and not based upon judicial ruling and,

WHEREAS the charges of alleged violations are posted on the BON's website which greatly impairs the nurse's ability to maintain or attain employment and,

WHEREAS the BON refuses to allow nurse defendants the right to subpoenas witnesses or documents, etc. so that nurse defendants may acquire evidence essential for their defense and,

WHEREAS the BON has been witnessed to deny an early informal settlement conference (ISC), before charges are filed, when an ISC is the only viable opportunity the nurse has to present and defend their side of the issue and,

WHEREAS the BON has been documented to not offer nurse defendants an informal settlement conference before escalating their case to the SOAH which requires multi-years of legal proceedings and fees costing 10s of thousands of dollars and,

WHEREAS nurses are only given the opportunity to a fair, unbiased hearing after years of proceedings and legal costs to eventual appear at an administrative hearing at SOAH, which by this time the nurse's reputation and ability to practice has been irredeemably damaged so,

THEREFORE BE IT RESOLVED that medical care and personal health is a primary human necessity and access to healthcare providers is essential as is the need for oversight of licensees for discipline or dismissal of complaints filed with the Texas Board of Nursing (TBON), therefore in order to insure proper due process and just treatment for patients and licensees, **the Texas State Office of Administrative Hearings in nurses board cases and the TBON investigations shall follow the Texas Rules of Evidence.**

Choose one: Adopted by the _____ (Precinct _____) convention on March ____, 2022. Adopted by the _____ (county/SD _____) convention on March ____, 2022.
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