BEFORE THE TEXAS BOARD OF NURSING

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TEXAS BOARD OF NURSING

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.

Executive Director of the Board

In the Matter of Registered Nurse	§	AGREED
License Number 502101, and	§	
Vocational Nurse License	§	
Number 48611	§	
issued to ELODIA C. CHERRY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ELODIA C. CHERRY, Registered Nurse License Number 502101, and Vocational Nurse License Number 48611, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 1, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from Howard County Junior College, Big Spring, Texas on February 6, 1971. Respondent was licensed to practice vocational nursing in the State of Texas on March 27, 1971. Respondent received an Associate Degree in Nursing from Odessa College, Odessa, Texas on May 1, 1982. Respondent was licensed to practice professional nursing in the State of Texas on September 15, 1982.

5. Respondent's nursing employment history includes:

3/1971 - 9/1998	Unknown	
10/1998 - 4/2000	Staff Nurse	Wilson N. Jones Hospital Sherman, Texas
5/2000 - 9/2000	Staff Nurse	Westpark Surgery Center McKinney, Texas
10/2000 - 6/2003	Staff Nurse	Skilled Medical & Affiliates, Inc. Rockwall, Texas
4/2001 - 10/2002	Staff Nurse	Texoma Medical Center Denison, Texas
10/2002 - 3/2003	Staff Nurse	Wise Regional Healthcare Decatur, Texas
1/2003 - 6/2003	Staff Nurse	Muenster Memorial Hospital Muenster, Texas
6/2003 - 7/2003	Staff Nurse	Tucson Medical Center Tucson, Arizona
8/2003 - 4/2004	Staff Nurse	Sierra Medical Center El Paso, Texas
4/2004 - 6/2004	Staff Nurse	Mountain View Medical Center Las Cruces, New Mexico
4/2004 - 6/2005	Staff Nurse	Alpha Home Health Care El Paso, Texas
6/2005 - 10/2005	Staff Nurse	Southern Coos Hospital Bandon, Oregon
11/2005 - 2/2006	Staff Nurse	JFK Memorial Hospital Indio, California

Respondent's nursing employment history continued:

2/2006 - 6/2006	Staff Nurse	Doctor's Regional Medical Center Corpus Christi, Texas
7/2006 - 9/2006	Staff Nurse	Lea Regional Medical Center Hobbs, New Mexico
10/2006 - 12/2006	Staff Nurse	Medical Center Odessa, Texas
12/2006 - 3/2007	Staff Nurse	Banner Thunderbird Medical Center Phoenix, Arizona
3/2007 - 6/2007	Staff Nurse	University of New Mexico Albuquerque, New Mexico
7/2007 - 9/2007	Staff Nurse	United Medical Center Wichita Falls, Texas
10/2007 - 12/2007	Staff Nurse	SCA Eye Surgery Center Dallas, Texas
1/2008 - 4/2008	Staff Nurse	St. David Georgetown Medical Center Georgetown, Texas
5/2008 - 7/2008	Staff Nurse	Parkland Surgery Center Dallas, Texas
7/2008 - 9/2008	Staff Nurse	North Texas Hospital Denton, Texas
9/2008 - 12/2008	Staff Nurse	East Texas Medical Center Tyler, Texas
1/2009 - present	Unknown	

6. At the time of the incidents in Findings of Fact Numbers Seven (7) and Nine (9), Respondent was employed as a Staff Nurse with RN Network, Plano, Texas, and assigned to Parkland Health and Hospital System, Dallas, Texas, and had been in this position for two (2) months.

7. On or about July 8, 2008, while employed at Parkland Health & Hospital System, Dallas, Texas, Respondent failed to promote a safe environment when she failed to ground Patient MR#1675808, who was undergoing electrocautery in the perioperative suite. Respondents conduct could have caused injury to the patient by allowing ungrounded electrical current to pass through the patient resulting in electrical burns.

8. In response to the Finding of Fact Number Seven (7), Respondent states the only time this happened was at the beginning of a pain management case, which required a specific grounding pad and as soon as she realized the pad was not in place, she placed the grounding pad on the patient. Respondent states this was an IV sedation procedure and the outcome was uneventful.

9. On or about July 8, 2008, while employed at Parkland Health & Hospital System, Dallas, Texas, Respondent failed to promote a safe environment for Patient MR# 1675808 by not securing the patient to the operating table. Respondent's conduct could have caused injury in that Patient MR#1675808 could have fallen from the operating room table.

10. In response to the incident in Finding of Fact Number Nine (9), Respondent states it was during the same pain management procedure as in the first incident, that she discovered the safety strap was fastened on one side only. Respondent states that when she grounded the patient she also finished fastening the safety strap on the opposite side as well.

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 to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B)&(1)(M) and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 502101, and Vocational Nurse License Number 48611, heretofore issued to ELODIA C. CHERRY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 when this Order becomes final and the terms of this Order become effective, 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 23 day of September, 20 10.

Elodia C Cherry

ELODIA C. CHERRY, Respondent

Sworn to and subscribed before me this 23 day of September, 20 10.

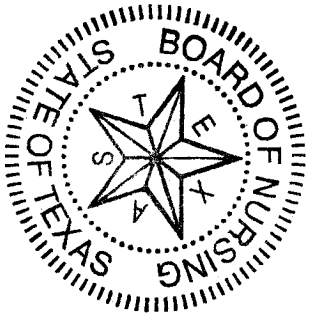
SEAL

Jean Alexandra Hightower

Notary Public in and for the State of Texas

JEAN ALEXANDRA HIGHTOWER
Notary Public, State of Texas
My Commission Expires
July 01, 2014

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 23rd day of September, 2010, by ELODIA C. CHERRY, Registered Nurse License Number 502101, and Vocational Nurse License Number 48611, and said Order is final.

Effective this 27th day of September, 2010.

Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board