

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 150543
ISSUED TO
SHERRY LYNN LEATHERWOOD

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia A. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Sherry Lynn Leatherwood
c/o Dan Simmons, Attorney
2223 34th Street
Lubbock, Texas 79411

During open meeting held in Austin, Texas, on Tuesday, August 18, 2009, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.


NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 150543, previously issued to SHERRY LYNN LEATHERWOOD, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 150543, previously issued to SHERRY LYNN LEATHERWOOD, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

Entered this 18th day of August, 2009.

TEXAS BOARD OF NURSING


BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 150543
Issued to SHERRY LYNN LEATHERWOOD
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of August, 2009, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

SHERRY LYNN LEATHERWOOD
c/o Dan Simmons, Attorney at Law
2223 34th Street
Lubbock, Texas 79411

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 150543, Issued to §
SHERRY LYNN LEATHERWOOD, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHERRY LYNN LEATHERWOOD, is a Vocational Nurse holding license number 150543, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about November 5, 2007, while employed as a Licensed Vocational Nurse with Lakeridge Rehabilitation and Nursing Center, Lubbock, Texas, Respondent used excessive force on Patient Medical Record Number 654 in that she instructed CNAs to put a washcloth into the patient's mouth (gag-like) and physically restrain her while Respondent attempted to forcibly cut her fingernails. The Director of Nursing told Respondent she could not forcibly restrain a patient and told Respondent to stop. After the DON left the area, Respondent again tried to hold the patient down and cut her fingernails, with a CNA holding the patient's head and shoulder, but the patient was able to free herself. Later, Respondent took four (4) CNAs into the patient's room and instructed them to hold the patient's arms and legs while she used the weight of her own body to also hold the patient down while she cut the patient's fingernails. Respondent's conduct was likely to injure the patient in that it unnecessarily exposed him/her to risk of further abuse or injury and/or emotional harm and was a violation of the patient's rights.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),&(6)(C)&(F).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this

pleading and can be found at the Board's website, www.bon.state.tx.us.

Filed this 25th day of March, 2009.

TEXAS BOARD OF NURSING



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