



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 167437 §
and Registered Nurse License §
Number 723140 §
issued to SHERIKAY MARIE GRIFFITH § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHERIKAY MARIE GRIFFITH, Vocational Nurse License Number 167437 and Registered Nurse License Number 723140, 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 informal conference, notice and hearing, and agreed to the entry of this Order offered on August 21, 2008, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Delta Career Institute, Beaumont, Texas, on April 8, 1998, and an Associate Degree in Nursing from Regents College, Albany, New York, on December 5, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on May 13, 1998 and professional nursing in the State of Texas on January 17, 2006.

5. Respondent's nursing employment history includes:

5/98 - 9/99	Unknown	
10/99 - 5/00	Staff LVN	Med Care Beaumont, Texas
6/00 - 6/01	Unknown	
7/01 - 4/02	Staff LVN	Advanced Patient Care Beaumont, Texas
4/02 - 2/03	Staff LVN	Gentiva Beaumont, Texas
3/03 - 10/03	Unknown	
11/03 - 1/07	Staff Nurse	University of Texas Medical Branch/Texas Department of Criminal Justice Mark Stiles Unit Beaumont, Texas
2/07 - present	Assistant Nurse Manager	University of Texas Medical Branch - Federal Prison System Beaumont, Texas

6. At the time of the incidents in Findings of Fact Numbers Seven (7) through Ten (10), Respondent was employed as a Staff Nurse with the University of Texas Medical Branch/Texas Department of Criminal Justice, Mark Stiles Unit, and had been in this position for two (2) years and eight (8) months.

7. On or about July 4, 2006 through July 5, 2006, while employed with the University of Texas Medical Branch/Texas Department of Criminal Justice, Mark Stiles Unit, Beaumont, Texas, Respondent failed to assess and evaluate or institute nursing intervention required to stabilize Patient/Inmate #779477, when receiving multiple reports that the patient/inmate was experiencing a significant change in condition. At 7:25 p.m., Respondent received report from staff that the patient/inmate was lying in bed, had been passing blood and needed immediate medical attention. Respondent refused to go to patient/inmate's cell to conduct an assessment and informed staff that the patient/inmate did not have a history of cardiac problems. At 11:45 p.m., Respondent received report from staff that the patient/inmate was experiencing chest pains and shallow breathing. Respondent again refused to go to the patient/inmate's cell to conduct an assessment and informed staff that the patient/inmate was dying and there was nothing she could do for the patient/inmate until the doctor arrived the next morning. Subsequently, Patient/Inmate #779477 was brought to the medical department where he coded and was later pronounced dead. Respondent's conduct deprived the patient/inmate of timely emergent medical intervention which may have prevented his demise.

8. On or about July 4, 2006, and July 5, 2006, while employed with University of Texas Medical Branch/Texas Department of Criminal Justice Mark Stiles, Unit, Beaumont, Texas, Respondent failed to document that she had received reports that Patient/Inmate #779477 was vomiting blood, had chest pain and shallow breaths or that the patient/inmate needed medical attention. Respondent's conduct deprived subsequent care givers of essential information on which to base their ongoing medical care.
9. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent denies that she refused to see the patient/inmate and states that at the time she received the call from staff that patient/inmate was experiencing significant change in status, she was handling a life threatening medical emergency on the medical unit and informed staff to retrieve a wheelchair and bring the patient to the medical unit. Respondent states that when the patient/inmate was brought to the medical unit around 4:30 a.m. on July 5, 2006, two other members of the medical staff assessed him in the triage area. When Respondent's shift ended at 6:00 a.m. on July 5, 2006, she gave a report to the oncoming shift and noted that the patient/inmate was sitting in the waiting room on a gurney, clean and in no visible distress.
10. Since February 2007, Respondent has been employed with the University of Texas Medical Branch (UTMB), Federal Prison System, Beaumont, Texas. On June 26, 2008, Respondent received an annual evaluation from UTMB that rated her overall performance as "occasionally exceeds" expectations.

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 violation of Section 301.452(b)(10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B), (D) & (M) & (3)(A), and 22 TEX. ADMIN. CODE §217.12(1)(A) & (4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 167437 and Registered Nurse License Number 723140, heretofore issued to SHERIKAY MARIE GRIFFITH, including revocation of Respondent's license 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 Vocational Nurse License Number 167437 and Registered Nurse License Number 723140, previously issued to SHERIKAY MARIE GRIFFITH, to practice nursing in Texas is hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

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

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL deliver the wallet-sized licenses issued to SHERIKAY MARIE GRIFFITH, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order for appropriate notation.

(3) 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) contact 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 Chemical Dependency, 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/about/stipscourses.html>.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the

course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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/about/stipscourses.html>.*

(5) 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/about/stipscourses.html>.*

(6) 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://www.learningext.com/products/generalce/critical/ctabout.asp>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(7) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each

future employer prior to accepting an offer of employment.

(8) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(9) During the probationary period, RESPONDENT may continue to work at University of Texas Medical Branch (UTMB), Federal Prison System, Beaumont, Texas, as the Assistant Nurse Manager and shall report to the Nurse Manager on duty as required by her job description. RESPONDENT SHALL CAUSE her supervisor to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice nursing, to the office of the Board at the end of each month for two (2) years of employment as a nurse. Additionally, RESPONDENT SHALL CAUSE her supervisor to submit copies of any incident reports or memos, counseling reports or memos, variance reports or memos, unusual occurrence reports or memos, any documented medication errors and inmate complaints related to Respondent's care/supervision at Facility Ambulatory Care Clinic which occur during RESPONDENT's shifts at UTMB Federal Prison System, Beaumont, Texas. All such memos, reports or counselings which are memorialized in any form shall be sent to the office of the Board immediately following said incidents for the duration of her employment with UTMB, Federal Prison System, Beaumont, Texas. If Respondent ceases to work at University of Texas Medical Branch, Federal Prison System, Beaumont, Texas, the following probation conditions shall apply:

(10) For the first year of employment as a Nurse with her new employer, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires

another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(11) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, 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 experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a nurse.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation,

accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 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 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22nd day of August, 2008

Sherikay Marie Griffith
SHERIKAY MARIE GRIFFITH, Respondent

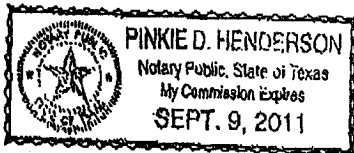
Sworn to and subscribed before me this

22nd day of August, 2008

SEAL

Pinkie D. Henderson

Notary Public in and for the State of Texas



Approved as to form and substance.


[Signature]

OSCAR SAN MIGUEL, Attorney for Respondent

Signed this 22nd day of August, 2008

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22th day of August, 2008, by SHERIKAY MARI GRIFFITH, Vocational Nurse License Number 167437 and Registered Nurse License Number 723140, and said Order is final.

Effective this 9th day of September, 2008.


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