



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 BOARD OF NURSING
FOR THE STATE OF TEXAS

In the Matter of § ELIGIBILITY
SHERRI L. WADE §
APPLICANT for Eligibility for Licensure § AGREED ORDER

On the date entered below, the Texas Board of Nursing, hereinafter referred to as Board, considered the Temporary License/Endorsement Application and supporting documents by SHERRI L. WADE, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(b)(10), Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on November 24, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about October 9, 2008, Applicant submitted an Application for Licensure by Endorsement requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257 and 301.260 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Section 213.30 and 217.5.
2. Applicant waived representation by counsel, informal conference, notice and hearing, and consented to the entry of this Order.
3. Applicant is currently licensed to practice professional nursing in the State of Arizona, a member of the Multistate Licensure Compact.
4. Applicant received a Certificate in Practical Nursing from Maricopa Community College, Phoenix, Arizona, on May 16, 1997, and an Associate Degree in Nursing from Maricopa Community College, Phoenix Arizona, on May 1, 1998. Applicant was licensed to practice practical nursing in the State of Arizona on October 30, 1997, and to practice professional nursing in the State of Arizona on November 9, 1999.

5. Applicant's nursing employment history includes:

1997 - 1998	LPN Arizona State Hospital Phoenix, Arizona
1998 - 2000	RN Mariner Healthcare Atlanta, GA.
2000 - 2001	RN Veteran's Administration Medical Center Phoenix, Arizona
2001 - 2002	RN Catholic Healthcare West Phoenix, Arizona
2002 - 2005	Staff RN Hospital Registry Phoenix, Arizona
2005 - 2007	RN Health Coach Health Dialog Phoenix, Arizona
2007 - present	Unknown

6. At the time of the initial incident, Applicant was employed as a Manager III, Nursing Operations Officer, with Texas Department of Aging and Disability Services, Corpus Christi State School, Corpus Christi, Texas, and had been in this position for less than one (1) day.

7. On or about October 16, 2007, while utilizing her multistate licensure compact privilege associated with her license to practice professional nursing in the State of Arizona, and employed with the Texas Department of Aging and Disability Services, Corpus Christi State School, Corpus Christi, Texas, Applicant provided false, deceptive and/or misleading information on a Texas Department of Aging and Disability Services Criminal History Disclosure, in that she attested to the following: "No, I have never been arrested, had an arrest warrant pending, pled guilty or nolo contendere, received deferred adjudication, been convicted, served probation or community service, or had and/or have any criminal action pending against me."

On or about April 29, 1996, Applicant was arrested and charged with PROSTITUTION (a violation of Phoenix City Code (PCC) 23-521A) and ESCORTS (a violation of Phoenix City

Code (PCC) 10-94A), in the City of Phoenix Municipal Court, Phoenix, Arizona.

On or about July 18, 1996, Applicant was convicted of PROSTITUTION (a violation of Phoenix City Code (PCC) 23-521A) and ESCORTS (a violation of Phoenix City Code (PCC) 10-94A), in the City of Phoenix Municipal Court, Phoenix, Arizona.

Applicant's conduct was deceiving and may have affected Texas Department of Aging and Disability Services' decision to continue her employment.

8. In response to the incident in Finding of Fact Number Seven (7), Applicant states that she never intended to provide false and deceptive information on her employment application. Applicant states that it was her understanding that her one arrest, which was around 1996 for prostitution, was a civil conviction, not a criminal one, which was why she indicated "no" to the question. Applicant notified the Arizona State Board of Nursing of her conviction when she applied for a license to practice registered nursing in the State of Arizona. The Arizona Board of Nursing issued a letter of concern along with a license to practice as a registered nurse in the State of Arizona.
9. There is no evidence of any subsequent criminal conduct.
10. Applicant has sworn that with the exception of matters disclosed in connection with the Temporary License/Endorsement Application, her past behavior conforms to the Board's professional character requirements.
11. Applicant presented no evidence of behavior since her criminal offenses which is inconsistent with good professional character.
12. On November 24, 2008, the Executive Director considered the evidence of the criminal conduct and evaluated its direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 Texas Administrative Code, §213.28, including the nature and circumstance of the offenses, and the absence of any subsequent conviction.
13. On November 24, 2008, the Executive Director considered evidence of Applicant's post conviction behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.
14. Licensure of Applicant poses no direct threat to the health and safety of patients or the public, provided Applicant complies with the stipulations outlined in this Order.
15. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.

16. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

CONCLUSIONS OF LAW

1. The Texas Board of Nursing (Board) has jurisdiction over this matter pursuant to Section 301.451-301.555, 304.001, Article 3 and 301.453 *et seq.*, Texas Occupations Code.
2. Notice was served in accordance with law.
3. Applicant has submitted an Application for Licensure by Endorsement requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257 and 301.260, Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Section 213.30 and 217.5.
4. The evidence is sufficient cause to take disciplinary action under Section 301.452 *et seq.*, Texas Occupations Code, and, therefore, sufficient cause to deny licensure.
5. The evidence received is sufficient to prove violations of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE § 217.12(6)(H)&(I).
6. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
7. The evidence received is sufficient cause pursuant to Sections 301.452(b) and 304.001, Article 3, Texas Occupations Code, to take disciplinary action against the Multistate Licensure Compact Privilege associated with Arizona Registered Nurse License Number 108413, heretofore issued to SHERRI L. WADE, including revocation of Applicant's privilege to practice nursing in the State of Texas.
8. This Order is conditioned upon the accuracy and completeness of Applicant's disclosures. Any subsequently discovered discrepancies will result in investigation and disciplinary action.
9. The Board may license individuals who have been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code §§213.27 and 213.28 and evaluating the direct relationship to nursing according to Chapter 53, Sec. 53.001 *et seq.*, Texas Occupations Code.
10. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that APPLICANT SHALL receive the sanction of a REMEDIAL EDUCATION WITH MONETARY FINE, and APPLICANT 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.

IT IS THEREFORE AGREED that the application of SHERRI L. WADE, APPLICANT, is hereby conditionally GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation.

(3) APPLICANT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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

(5) IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board

of Nursing in the party state where APPLICANT wishes to work.

(6) APPLICANT SHALL, within one (1) year of initial licensure, successfully complete a course in Texas nursing jurisprudence and ethics. APPLICANT 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. APPLICANT 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 APPLICANT'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>

(7) APPLICANT SHALL pay a monetary fine in the amount of \$250.00. APPLICANT SHALL pay this fine within FORTY-FIVE (45) days of initial licensure. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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

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APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction such as conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.260, and 301.452(b) of the Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, and Board Rules at 213.27, 213.28, and 213.29 at 22 Texas Administrative Code which are incorporated by reference as a part of this Order. I agree with all terms of this Order and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Texas Board of Nursing.

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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Texas Board of Nursing enter this Order.

Signed this 9 day of Dec., 2008
Sherril Wade
SHERRI L. WADE, APPLICANT

Sworn to and subscribed before me this 9th day of December, 2008.

SEAL

Cassy Slinkard
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 31st day of December, 2008, by SHERRI L. WADE, Arizona Registered Nurse License Number 108413, and said Order is final.

Effective this 31st day of December, 2008.



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