

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 571702
ISSUED TO
SHERI LYNN EBERT

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS



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. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Sheri Lynn Ebert
5601 Little River 20
Foreman, AR 71836

During open meeting held in Austin, Texas, on Tuesday, June 12, 2007, 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 Board of Nurse Examiners 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 professional 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 571702, previously issued to SHERI LYNN EBERT, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 571702, previously issued to SHERI LYNN EBERT, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

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

Entered this 12th day of June, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

Re: Permanent Certificate Number 571702
Issued to SHERI LYNN EBERT
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of June, 2007, 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):

Sheri Lynn Ebert
5601 Little River 20
Foreman, AR 71836

Katherine A. Thomas

BY: _____

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

In the Matter of Permanent License § **BEFORE THE BOARD**
Number 571702, Issued to § **OF NURSE EXAMINERS**
SHERI LYNN EBERT, Respondent § **FOR THE STATE OF TEXAS**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHERI LYNN EBERT, is a Registered Nurse holding license number 571702, which is in delinquent 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 July 31, 2002, Respondent's license to practice professional nursing in the State of Oklahoma was temporarily suspended by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma, with the temporary suspension set aside pending Respondent's acceptance into the Peer Assistance Program of the Oklahoma Board of Nursing, by September 26, 2002. The Order was issued based on Findings that:

On or about February 4, 2002, Respondent entered a plea of Guilty/No Contest to POSSESSION OF CONTROLLED DRUG, in the District Court of McCurtain County, Oklahoma, under Case No. CF-2000-91. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay court costs and serve one hundred twenty (120) days in the McCurtain County Jail.

On or about February 4, 2002, Respondent entered a plea of Guilty/No Contest to COUNT I - POSSESSION OF PRECURSOR SUBSTANCE (PSEUDOEPHEDRINE), a felony; COUNT II - UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA, a misdemeanor; and COUNT III - PUBLIC DRUNK, in the District Court of McCurtain County, Oklahoma, under Case No. CF-2001-290. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay court costs and serve one hundred twenty (120) days in the McCurtain County Jail (to run concurrent with the sentence of confinement in the County Jail ordered under Case No. DF 2000-91).

Respondent submitted an Application to Renew her license in which she represented that she had not been arrested for any offense not previously reported to the Board, and in reliance on that representation Respondent's Application was approved on December 30, 2000.

A copy of the July 31, 2002 Oklahoma Board of Nursing Order is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE II.

On or about September 28, 2005, Respondent's license to practice professional nursing in the State of Oklahoma was temporarily suspended by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma, which with the temporary suspension set aside pending Respondent's acceptance into the Peer Assistance Program of the Oklahoma Board of Nursing, by November 16, 2005. The Order was issued based on Findings that:

Allegations were received in the Board office that on or about June and July, 2005, while employed at Memorial Heights Nursing Center, Idabel, Oklahoma, Respondent was observed drinking at the facility while off duty.

Respondent admits to having a problem with controlled dangerous substances/alcohol.

A copy of the September 28, 2005 Oklahoma Board of Nursing Order is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE III.

On or about November 18, 2005, Respondent's license to practice professional nursing in the State of Oklahoma was revoked by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma, based on a Finding that:

Respondent failed to enter the Peer Assistance Program by November 16, 2005.

A copy of the November 18, 2005 Oklahoma Board of Nursing notification letter is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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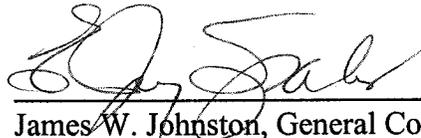
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative 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 (\$1,200.00).

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.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency and Lying and Falsification which can be found at the Board's website, www.bne.state.tx.us.

Filed this 10th day of April, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305.8101 or (512)305-740

Attachments: Order of the Oklahoma Board of Nursing, dated July 31, 2002
Order of the Oklahoma Board of Nursing, dated September 28, 2005
Notification Letter of the Oklahoma Board of Nursing, dated November 18, 2005

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