BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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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	§	
License Number 652155	§	AGREED
issued to SHERRI WILLIAMS	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter refe to as the Board, considered the matter of SHERRI WILLIAMS, Registered Nurse License Number 652155, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10),(12), and (13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on April 6, 2007, 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.

2. Respondent waived informal conference, 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.

4. Respondent received a Baccalaureate Degree in Nursing from The University of Texas at Tyler, Tyler, Texas, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on June 25, 1998.

5. Respondent's professional nursing employment history includes:

06/98 - 07/2004	Charge Nurse	East Texas Medical Center Hospital Tyler, Texas

Respondent's professional nursing employment history continued:

08/04-09/04	Unknown	
10/2004 - 11/2004	RN	University of Texas Medical Branch Skyview/Hodge Rusk, Texas
12/2004 - 01/2005	Unknown	
02/2005 - 12/2005	RN	Texas Spine and Joint Hospital Tyler, Texas
01/2006	Unknown	
02/2006 - 03/2006	RN	Tyler Professional Medical Staffing Tyler, Texas
04/2006 - present	Unknown	

6. At the time of the initial incident, Respondent was employed a Charge Nurse with East Texas Medical Center Hospital, Tyler, Texas, and had been in this position for approximately six (6) years.

7. On or about June 24, 2004, while employed with the East Texas Medical Center Hospital, Tyler, Texas, Respondent lacked fitness to practice professional nursing in that Respondent exhibited impaired behavior while on duty, including, but not limited to: acting unusual, slow and slurred speech, and glazed over eyes. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

8. On or about June 24, 2004, while employed with East Texas, Medical Center Hospital, Tyler, Texas, Respondent engaged in the intemperate use of Hydrocodone, Benzodiazepines, and Meprobamate, in that Respondent produced a specimen which resulted positive for Hydrocodone, Benzodiazepines, and Meprobamate. Possession of Hydrocodone, Benzodiazepines, and Meprobamate without a valid prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Hydrocodone, Benzodiazepines, and Meprobamate by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

9. On or about November 8, 2004, while employed with the University of Texas Medical Branch, Skyview/Hodge, Rusk, Texas, Respondent engaged in the intemperate use of Tramadol, in that Respondent produced a specimen for a drug screen which resulted positive for Tramadol. Possession of Tramadol is prohibited by Chapter 483 of the Texas Health & Safety Code (Dangerous Drug Act). The use of Tramadol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

10. On or about December 15, 2005, while employed with Texas Spine and Joint Hospital, Tyler, Texas, Respondent lacked fitness to practice professional nursing in that Respondent exhibited impaired behavior while on duty, including, but not limited to: passing out at the nursing station and falling to the floor. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

11. On or about December 15, 2005, while employed with the Texas Spine and Joint Hospital, Tyler, Texas, Respondent engaged in the intemperate use of Morphine, in that Respondent produced a specimen for a drug screen which resulted positive for Morphine. Possession of Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

12. On or about March 19, 2006, while employed with Tyler Professional Medical Staffing Inc., Tyler, Texas, and on assignment at East Texas Medical Center Specialty Hospital, Tyler, Texas, Respondent withdrew Vicodin, Soma, and Darvocet from the Medication Dispensing System (Pyxis) for patients, but failed to completely and accurately document the administration of the medications in the patients' Medication Administration Records (MARs) and Nurses Notes, as follows:

Date/ Time	Patient	Medication Dispensing System (Pyxis)	Physician's Order	Medication Administration Record	Nurses Notes	Waste
3/19/06 @ 1530	792853	(2) Vicodin 5/500	(1-2) tabs Vicodin PO Q4 H PRN	Not Documented	Not Documented	None
3/19/06 @ 0810	792844	(2) Vicodin 5/500	(1-2) tabs Vicodin PO Q4 H PRN	Not Documented	Not Documented	None
3/19/06 @ 0811	792833	(1) Soma 350 mg tablet	Soma 350 mg tablet PRN back spasms	Not Documented	Not Documented	None

3/19/06 @ 1528	792843	(2) Soma 350 mg tablet	Soma 350 mg tablet PT PRN Q 6 H	Not Documented	Not Documented	None
3/19/06 @ 1532	792855	(2) Darvocet N 100	(1-2) tabs Darvocet N 100 PO Q 4 H	Not Documented	Not Documented	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

13. On or about March 19, 2006, while employed with Tyler Professional Medical Staffing Inc., Tyler, Texas, and on assignment at East Texas Medical Center Specialty Hospital, Tyler, Texas, Respondent withdrew Vicodin, and Darvocet from the Medication Dispensing System (Pyxis) for patients, but failed to follow the policy and procedure for the wastage of the medications, as follows:

Date/ Time	Patient	Medication Dispensing System (Pyxis)	Physician's Order	Medication Administration Record	Nurses Notes	Waste
3/19/06 @ 1530	792853	(2) Vicodin 5/500	(1-2) tabs Vicodin PO Q4 H PRN	Not Documented	Not Documented	None
3/19/06 @ 0810	792844	(2) Vicodin 5/500	(1-2) tabs Vicodin PO Q4 H PRN	Not Documented	Not Documented	None
3/19/06 @ 1532	792855	(2) Darvocet N 100	(1-2) tabs Darvocet N 100 PO Q 4 H	Not Documented	Not Documented	None

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

14. On or about March 19, 2006, while employed with Tyler Professional Medical Staffing Inc., Tyler, Texas, and on assignment at East Texas Medical Center Specialty Hospital, Tyler, Texas, Respondent misappropriated Vicodin, Soma, and Darvocet, belonging to the facility and patients thereof, or failed to take the necessary precautions to prevent the misappropriation of the medications. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

15. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

16. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

17. Respondent's conduct described in Findings of Fact Numbers Six (6) through Thirteen (13) was significantly influenced by Respondent's dependency on chemicals

18. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(9),(10),(12), &(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.12(1)&(12), 217.11(1)(D)&(T)(effective September 28, 2004), and 217.12(4),(5),(6)(G),(10)(A),(C)&(D) and (11)(B)(effective September 28, 2004).

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 652155, heretofore issued to SHERRI WILLIAMS, including revocation of Respondent's professional license to practice nursing in the State of Texas.

5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§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 FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent 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 Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22 day of May, 2007.

SHERRI WILLIAMS, Respondent

Sworn to and subscribed before me this 22nd day of May, 2007.

SEAL

Karla Butler

Notary Public in and for the State of Texas

KARLA BUTLER
MY COMMISSION EXPIRES
January 29, 2009

Approved as to form and substance.

DOROTHY DAFEY ORUAGA, Attorney for Respondent

Signed this 23 day of May, 2007.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 22nd day of May, 20 07, by SHERRI WILLIAMS, Registered Nurse License Number 652155, and said Order is final.

Entered and effective this 24th day of May, 20 07.

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