



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.  
*Stephanie A. Thomas*  
Executive Director of the Board

IN THE MATTER OF PERMANENT  
VOCATIONAL NURSE  
LICENSE NUMBER 179056  
ISSUED TO  
MISTY D BERRYHILL,  
a/k/a MISTY DAWN BERRYHILL,  
a/k/a MISTY DAWN PIERCE,  
RESPONDENT

§ BEFORE THE TEXAS  
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§ BOARD OF NURSING  
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§ ELIGIBILITY AND  
§  
§ DISCIPLINARY COMMITTEE

**ORDER OF THE BOARD**

TO: MISTY D BERRYHILL  
9011 US HWY 67  
BANGS, TX 76823

During open meeting held in Austin, Texas, on **March 13, 2018**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee 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(s) to practice 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 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 § 213.16(j)]. All parties have a right to judicial review of this Order.

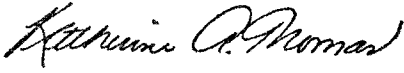
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 179056, previously issued to MISTY D BERRYHILL, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 13th day of March, 2018.

TEXAS BOARD OF NURSING

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

Attachment: Formal Charge filed January 12, 2018.

d17r(lvn)(2016.05.11)

Re: Permanent Vocational Nurse License Number 179056  
Issued to MISTY D BERRYHILL  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

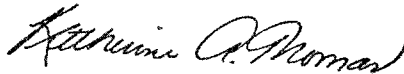
I hereby certify that on the 15<sup>th</sup> day of March, 2014, a true and correct

copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

MISTY D BERRYHILL  
9011 US HWY 67  
BANGS, TX 76823

Via USPS First Class Mail



BY:

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

In the Matter of	§	BEFORE THE TEXAS
Permanent Vocational Nurse	§	
License Number 179056	§	
Issued to MISTY D. BERRYHILL,	§	
a/k/a MISTY DAWN BERRYHILL,	§	
a/k/a MISTY DAWN PIERCE,	§	
Respondent	§	BOARD OF NURSING

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MISTY D. BERRYHILL, a/k/a MISTY DAWN BERRYHILL, a/k/a MISTY DAWN PIERCE, is a Vocational Nurse holding License Number 179056, 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 13, 2017, Respondent entered a plea of Guilty and was convicted of POSSESSION OF A CONTROLLED SUBSTANCE, a State Jail felony offense committed on February 4, 2016, in the 35th District Court, Brown County, Texas, under Cause No. CR24503. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice for a period of two (2) years; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of ten (10) years and ordered to pay restitution in the amount of one hundred eighty dollars (\$180.00), along with a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3), Texas Occupations Code.

**CHARGE II.**

On or about July 13, 2017, Respondent entered a plea of Guilty and was convicted of TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE, a 3rd degree felony committed on February 4, 2016, in the 35th District Court, Brown County, Texas, under Cause No. CR24503. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice for a period of ten (10) years; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of ten (10) years and ordered to pay restitution in the amount of one hundred eighty dollars (\$180.00), along with a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3), Texas Occupations Code.

### CHARGE III.

On or about November 21, 2017, Respondent entered a plea of Guilty and was convicted of POSSESSION OF A CONTROLLED SUBSTANCE: METHAMPHETAMINE LESS THAN ONE GRAM, a State jail felony offense committed on April 15, 2016, in the 220th District Court, Comanche County, Texas, under Case No. CR04057. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of eighteen (18) months; however, imposition of the sentence of confinement was suspended, and Petitioner was placed on probation for a period of five (5) years and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53.

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.texas.gov](http://www.bon.texas.gov).

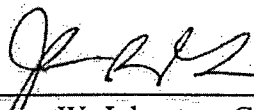
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted Disciplinary Guidelines for Criminal Conduct; and on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct; and related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated December 4, 2000.

Filed this 12 day of January, 2018.

TEXAS BOARD OF NURSING

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

Jena Abel, Deputy General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 24036103

John R. Griffith, Assistant General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 24079751

Jessica Lance, Assistant General Counsel  
State Bar No. 24091434

Jacqueline A. Strashun, Assistant General Counsel  
State Bar No. 19358600

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated December 4, 2000.

D(2017.11.09)

00179056



BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

MISTY BERRYHILL PIERCE aka  
MISTY DAWN PIERCE

COUNTY OF TRAVIS

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§

**AGREED BOARD ORDER**

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of MISTY BERRYHILL PIERCE aka MISTY DAWN PIERCE, an Applicant for Licensure by, examination hereinafter called Applicant.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Applicant of its intent to take disciplinary action with respect to said Application for Licensure, as a result of a subsequent investigation. Said investigation produced evidence indicating that Applicant has been convicted of a crime of the grade of a misdemeanor that relates to the practice of vocational nursing and/or involves moral turpitude, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (3) (B), in the following manner:

I.

- a. On or about June 29, 2000, Applicant submitted her Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On said Application, Applicant answered "yes" to the question(s) asking: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?"
- b. On or about January 5, 1995, Applicant was convicted of the Misdemeanor offense of: ASSAULT, in the County Court of San Saba County, Texas, under Cause Number 5505. As a result of said conviction; Applicant was assessed a fine.
- c. On or about June 12, 1997, Applicant was charged with the Felony Offense of INJURY TO A CHILD. Applicant pled guilty to the offense, which was then reduced to a Class A Misdemeanor offense, in the District Court of San Saba County, Texas, of the 33rd Judicial District, under Cause Number 5015. As a result of said conviction; Applicant was placed on probation for a period of one (1) year.

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 C. Johnson*  
Executive Director of the Board

AGREED BOARD ORDER  
RE: MISTY BERRYHILL PIERCE aka MISTY DAWN PIERCE, EXAM APPLICANT  
PAGE 2

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By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Applicant does hereby waive the right to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

**ORDER OF THE BOARD**

**NOW THEREFORE, IT IS ORDERED,** that MISTY BERRYHILL aka MISTY DAWN PIERCE is hereby allowed to take the examination for licensure as a Vocational Nurse in the State of Texas, and, upon obtaining a passing score, be issued a license to practice vocational nursing in the State of Texas. Said license shall be suspended, with said suspension stayed and placed on probation for a period of one (1) year.

**The probation of said license is subject to the following stipulations, to wit:**

1. That if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said Notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.



## AGREED BOARD ORDER

RE: MISTY BERRYHILL PIERCE aka MISTY DAWN PIERCE, EXAM APPLICANT

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3. That by copy of this Board Order Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis.
5. That any period(s) of nursing unemployment must be documented in writing by Applicant and submitted to the Board office, as provided in Stipulation No. four (4).
6. That Applicant shall work only under the supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the work premises during Applicant's shift assignment(s), throughout the term of probation.
7. That Applicant shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.
8. That Applicant shall successfully complete a **Anger Management** course/seminar (a minimum of 8 hours in length), and submit documentation of successful course completion to the Board office within the first six (6) months of probation. Applicant shall be responsible for locating said course/seminar and obtaining prior written approval of Board staff prior to committing to said course/seminar. The expense of said course/seminar shall be borne by Applicant. Failure to successfully complete said course/seminar within the time-frame stipulated, shall be considered a violation of probation.
9. That Applicant shall pay a Probation Monitoring fee in the amount of thirty (30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter commencing the quarter following the date of the Board's ratification of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

AGREED BOARD ORDER  
RE: MISTY BERRYHILL PIERCE aka MISTY DAWN PIERCE, EXAM APPLICANT  
PAGE 4

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 6 day of November, 2000

Misty Pierce  
Signature of Applicant

401 Bend Road  
Current Address

Cherokee Tx 76832  
City, State and Zip

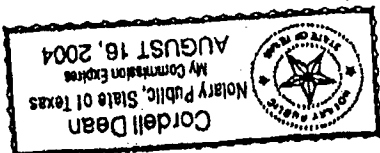
915 1 622-4654  
Area Code and Telephone Number

The State of Texas  
County of Lawrence

Before me, the undersigned authority, on this day personally appeared MISTY BERRYHILL PIERCE aka MISTY DAWN PIERCE, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 4 day of Nov, 2000.

Cordell Dean  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
My Commission Expires \_\_\_\_\_



AGREED BOARD ORDER  
RE: MISTY BERRYHILL PIERCE aka MISTY DAWN PIERCE, EXAM APPLICANT  
PAGE 5

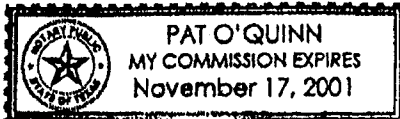
*Mary M. Strange*

Mary M. Strange, BSN, RN, CNA  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the  
14th day of November, 2000.

*Pat O'Quinn*

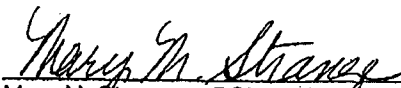
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



BOARD ORDER  
RE: MISTY BERRYHILL PIERCE aka MISTY DAWN PIERCE, EXAM APPLICANT  
PAGE: 2

**WHEREFORE, PREMISES CONSIDERED,** the Board of Vocational  
Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board  
Order, notarized on the 6<sup>TH</sup> day of November, 2000 by, Applicant and that Said Order is Final.

Effective this 4<sup>th</sup> day of December, 2000.



Mary M. Strange, BSN, RN, CRA  
Executive Director  
On Behalf of Said Board