IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 192237	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
SHERRY D. HURNES	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: Sherry D. Hurnes
4014 N. E. 13th Street
Amarillo, Texas 79107

During open meeting held in Austin, Texas, on November 12, 2008, 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 Texas Board of Nursing 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 vocational 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 192237, previously issued to SHERRY D. HURNES, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 192237, previously issued to SHERRY D. HURNES, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

Entered this 12th day of November, 2008.

TEXAS BOARD OF NURSING

BY: Kath A. Thom

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

Re: Permanent Certificate Number 192237
Issued to Sherry D. Hurnes
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of November, 2008, 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):

Sherry D. Hurnes
4014 N. E. 13th Street
Amarillo, Texas 79107

BY: Katherine A. Thomas

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

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 192237, Issued to	§	
SHERRY D. HURNES,	§	
f.k.a. SHERRY D. THOMPSON	§	**BOARD OF NURSING**

AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHERRY D. HURNES, f.k.a. SHERRY D. THOMPSON, is a Vocational Nurse holding license number 192237, which is in current 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 September 30, 2005, while employed with Crdentia, Lubbock, Texas, and assigned to Lubbock State School, Lubbock, Texas, Respondent failed to assess and/or intervene when Client JD's cholecystostomy tube became displaced. Client JD was transferred to University Medical Center, Lubbock, Texas, to have the tube replaced in preparation for an open cholecystectomy which was to be performed on October 3, 2005. Subsequently, Client JD expired on October 4, 2005, following the cholecystectomy because of complications related to disseminated intravascular coagulation (DIC), a condition in which blood does not clot normally. Respondent's conduct was likely to injure the client from clinical care decisions formulated based upon incomplete assessment information.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(M),(1)(P)&(2)(A), and 217.12(1)(A),(1)(B)&(4).

CHARGE II.

On or about September 30, 2005, while employed with Crdentia, Lubbock, Texas, and assigned to Lubbock State School, Lubbock, Texas, Respondent failed to document any assessment, for the entire shift, in the medical record for Client JD which would have included an assessment following the displacement of a cholecystostomy tube. Furthermore, Respondent failed to document the transfer of the client to University Medical Center, Lubbock, Texas, to have the tube replaced. Respondent's conduct resulted in an inaccurate, incomplete medical record, and was likely to injure the client in that subsequent care givers would rely on her documentation in order to provide further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D)&(1)(P) and 217.12(1)(A),(1)(B),(1)(C)&(4).

CHARGE III.

On or about December 21, 2006, Respondent plead guilty to "Deadly Conduct Discharging Firearm (at one or more) Individuals," a 3rd Degree Felony offense committed on June 24, 2005, in the 364th District Court, Lubbock County, Lubbock, Texas, Cause Number 2005409388. As a result of the plea, the findings were deferred and Respondent was placed on ten (10) years felony probation. Respondent's conduct was likely to injure the public.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (13).

CHARGE IV.

On or about May 4, 2007, Respondent plead guilty to and was convicted of "Driving While Intoxicated," a Class B Misdemeanor offense committed on November 11, 2006, in the County Court of Law No. 2, Lubbock County, Lubbock, Texas, Cause Number 2006442340. Respondent's conduct was likely to injure the public.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), 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 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 ($1200.00).

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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.state.tx.us.

Filed this 25th day of August, 2008.

TEXAS BOARD OF NURSING

Victoria Cox North

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Board Certified - Administrative Law
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