



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 Williams
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse	§	REINSTATEMENT
License Number 153324	§	AGREED ORDER
issued to SHERI DIANE ALLBRITTON	§	

On this day came to be considered by the Texas Board of Nursing, hereir referred to as the Board, the Petition for Reinstatement of Vocational Nurse License Nu 153324, held by SHERI DIANE ALLBRITTON, hereinafter referred to as Petitioner.

An informal conference was held on January 29, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Carol Marshall, MSN, RN, Nurse Consultant, Executive Director's Designee; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Denise Benbow, MSN, RN, Nurse Consultant; Scott Torres, Investigator; and Carolyn Hudson, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from North Central College, Gainesville, Texas, on August 10, 1995. Petitioner was originally licensed to practice vocational nursing in the State of Texas on September 6, 1995.

4. Petitioner's vocational nursing employment history includes:

9/95 - 2/97	LVN	Parkland Medical Center Dallas, Texas
3/97 - 10/97	LVN	Medical City Hospital of Dallas Dallas, Texas
11/97 - 8/98	LVN	Favorite Nurses Agency Dallas, Texas
9/98 - 10/00	LVN	Childrens Medical Center Dallas, Texas
11/00 - Present	Not employed in nursing	

5. On December 4, 2000, the Board of Vocational Nurse Examiners for the State of Texas accepted the voluntary surrender of Petitioner's license to practice vocational nursing in the State of Texas. A copy of the December 4, 2000, Order of the Board is attached and incorporated, by reference, as a part of this Order.
6. On January 22, 2004, Petitioner plead guilty to Fraudulent Possession of a Controlled Substance, a 3rd Degree Felony, in the 211th District Court of Denton County, Texas. Petitioner's adjudication of guilt was deferred and she was placed on Community Supervision for a period of three (3) years. On May 19, 2006, Petitioner was discharged from probation.
7. On or about August 7, 2007, Petitioner submitted a Petition for Reinstatement of her License to practice vocational nursing in the State of Texas.
8. Petitioner presented the following in support of her petition:
- 8.1. Letter of support, dated July 18, 2007, written by Paul Spangenberg, LCDC, Carrollton, Texas, states that on May 29, 2003, he evaluated Petitioner and has had numerous contacts with her since that date. Petitioner continues to make progress in all areas of her life and has maintained continuous sobriety. Mr. Spangenberg recommends reinstatement of Petitioner's nursing license.

- 8.2. Letter of support, dated July 9, 2007, written by Margaret E. Mike, M.D., Dallas, Texas, states that he has treated Petitioner for a sleep disorder and she has always been compliant with her medications which have included Provigil for Hypersomnia and Klonopin for periodic limb movements in sleep. Dr. Mike recommends reinstatement of Petitioner's nursing license.
- 8.3. Letter of support, written by Warren N. Abrams, Attorney at Law, Dallas, Texas, states that he represented Petitioner on her drug charge in 2004. Petitioner attended drug counseling prior to and during her period of deferred probation, and has successfully completed substance abuse counseling, chemical dependency classes, anxiety and depression classes, drug and alcohol evaluations, and drug and therapy counseling. Mr. Abrams states that Petitioner has submitted to random drug testing and all results were negative. Petitioner's diligence and hard work in completing all the conditions of her deferred probation resulted in early release of probation. Mr. Abrams recommends reinstatement of Petitioner's nursing license.
- 8.4. Letter of support, dated July 1, 2007, written by Garry M. Johnson, President, CEO, JJ Enterprises, Alvord, Texas, states that Petitioner has worked with his company for almost five (5) years. Mr. Johnson states that Petitioner provides excellent customer service and works well with her co-workers. Mr. Johnson recommends reinstatement of Petitioner's nursing license.
- 8.5. Letter of support, dated July 2, 2007, written by Don Burgess, states that he has known Petitioner and her family since August 1991. Mr. Burgess states that Petitioner is mature and ready to return to her chosen profession. Petitioner can resume her career competently, professionally, and with maturity earned through life experiences.
- 8.6. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.
9. Petitioner gives May 3, 2003, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of SHERI DIANE ALLBRITTON, license number 153324, to practice vocational nursing in the state of Texas, be and the same is hereby DENIED, WITH THE DENIAL STAYED, AND SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, 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 the stipulations contained in this Order:

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

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

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice vocational nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL, within one (1) year of entry of this Order and prior to practicing as a vocational nurse, successfully complete a nursing refresher course. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The course's content shall include: 1) the role and scope of the vocational nurse; 2) a review of the nursing process to include focused assessment, planning, implementation and evaluation; 3) pharmacology review; 4) medication administration review for all standard routes of administration; 5) documentation, ethical and legal implications for nursing practice; and 6) current CPR certification. This course shall include a minimum of the clinical components, providing direct patient care supervised by another nurse, as stated on the Board's website, <ftp://www.bon.state.tx.us/6mth-lvn.pdf>.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to SHERI DIANE ALLBRITTON, shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL pay a monetary fine in the amount of three hundred fifty dollars (\$350.00). PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. 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.

(7) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence and ethics. PETITIONER 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 Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. PETITIONER 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 PETITIONER's successful completion of the course. This course is to be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: [http:// www.bne.state.tx.us/about/stipscourses.html](http://www.bne.state.tx.us/about/stipscourses.html).*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A VOCATIONAL NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR

OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(8) PETITIONER SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(9) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(10) For the first year of employment as a vocational nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse or a Licensed Vocational Nurse. Direct supervision requires another professional or vocational nurse to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(11) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(12) PETITIONER SHALL NOT practice as a vocational nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Petitioner is regularly assigned for one (1) year of employment as a vocational nurse.

(13) PETITIONER SHALL NOT practice as a vocational nurse in any critical care area for one (1) year of employment as a vocational nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(14) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a vocational nurse.

(15) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to Petitioner's capability to practice vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a vocational nurse.

(16) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(17) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month

period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(18) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the

required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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

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PETITIONER'S CERTIFICATION

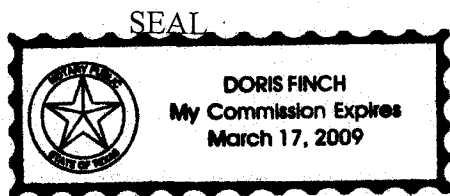
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. 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 convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11 day of March, 2008.

Sheri Diane Allbritton
SHERI DIANE ALLBRITTON, Petitioner

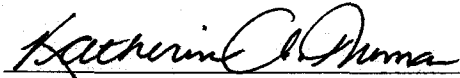
Sworn to and subscribed before me this 11 day of March, 2008.



Doris Finch
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 11th day of March, 2008, by SHERI DIANE ALLBRITTON, Vocational Nurse License Number 153324, and said Order is final.

Effective this 17th day of April, 2008.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", written over a horizontal line.

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

BEFORE THE BOARD OF VOCATIONAL NURSE EXAMINERS
IN AND FOR THE STATE OF TEXAS

In the matter of Permanent
License Number 153324 issued
to SHERI DIANE ALLBRITTON

ORDER OF THE BOARD

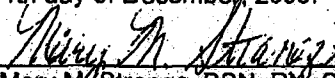
TO: SHERI DIANE ALLBRITTON
8519 SOUTHWESTERN BLVD.
DALLAS TX 75206

WHEREAS, SHERI DIANE ALLBRITTON has submitted to the Board an affidavit that
he/she no longer desires to be licensed as a vocational nurse, and that he/she is voluntarily
surrendering their license, the Board takes the following action:

ORDER


NOW THEREFORE, IT IS ORDERED that license number 153324, heretofore issued to
SHERI DIANE ALLBRITTON, to practice vocational nursing in the State of Texas be, and the
same is hereby revoked without formal charges, Notice of Hearing, or a formal hearing before the
Board of Vocational Nurse Examiners.

Entered this the 4th day of December, 2000.



Mary M. Strange, BSN, RN, CNA
Executive Director
Board of Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the under signed authority, on this the 4th day of
December, 2000.




NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS



BOARD ORDER
RE: SHERI ABBRITTON, LVN #153324
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 12TH day of September, 2000 by SHERI ALLBRITTO, license number 153324 and that Said Order is Final.

Effective this 4TH day of December, 2000.



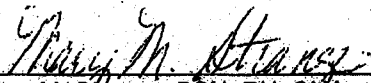
Mary M. Strange, BSN, RN, CNA
Executive Director
On Behalf of Said Board

BOARD ORDER - REVOKE
RE: SHERI DIANE ALLBRITTON, LVN #153324
PAGE: 3

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of December, 2000, a true and correct copy
of the foregoing BOARD ORDER was served by placement in the U.S. Mail first class
mail, and addressed to the following person(s):

SHERI DIANE ALLBRITTON
8519 SOUTHWESTERN BLVD.
APT. NO. 2140
DALLAS TX 75206



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



BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

512/305-8100

May 9, 2000

Sherri Allbritton
8519 Southwestern Blvd.
No. 2140
Dallas, Texas 75206

Dear Ms. Allbritton:

This office is in receipt of information alleging that, while employed as a Licensed Vocational Nurse with Children's Medical Center in Dallas, Texas, from about July 18, 1999 through about August 27, 1999, you were responsible for discrepancies in the administration and documentation of narcotics. Furthermore, on or about August 25, 1999, you were requested to submit to a drug screen. Said drug screen revealed a positive reading for PROPOXYPHENE.

Additionally, this office is in receipt of information alleging that, while employed as a Licensed Vocational Nurse with LifeCare Hospital in Dallas, Texas, on or about October 5, 1999, you were responsible for discrepancies in the administration and documentation of MORPHINE to Patient J.B. As a result of said discrepancies, on or about October 7, 1999, you were requested to submit to a drug screen. Said drug screen revealed positive readings for BENZODIAZEPINES and OPIATES.

Furthermore, it is alleged that, while participating in the Texas Peer Assistance Program for Nurses (TPAPN), you displayed behavior inconsistent with good recovery. On or about March 31, 2000, you were requested by TPAPN to submit to a random drug screen that revealed a positive reading for BARBITURATES.

We have initiated an investigation into this matter to determine if you have violated any of the provisions of the Texas Occupations Code.

You are afforded this opportunity to respond to the allegations that have been made and to show that you have complied with all requirements of the law, i.e., the Texas Occupations Code, Chapter 302, for the retention of your license to practice vocational nursing in Texas.

We have enclosed Order Forms for a copy of the Texas Occupations Code and Rules and Regulations.

You may be interested in a provision of the Texas Occupations Code (302.410) for the Voluntary Surrender of a license. The return of the license along with your notarized statement that you no longer desire to be licensed will enable the Board to revoke your license without formal charges, notice or a hearing.

We are enclosing such an affidavit form for your consideration. To execute it, please sign the affidavit before a notary public and return it to the Board office, along with any vocational nursing license(s)/renewal form that you have in your possession.