



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 R. Plummer
Executive Director of the Board

IN THE MATTER OF
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 108766
ISSUED TO
SHERRY LYNN PORTER, a/k/a,
SHERRY PHIPPS, a/k/a,
SHERRY JULIAN PHIPPS

§
§
§
§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: SHERRY LYNN PORTER
470 S. E. 26TH
PARIS, TX 75460

During open meeting held in Austin, Texas, on **November 12, 2014**, 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 108766, previously issued to SHERRY LYNN PORTER, to practice nursing in the State of Texas be, and the same is/are 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 12th day of November, 2014.

TEXAS BOARD OF NURSING

BY: 

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

Attachment: Formal Charge filed July 11, 2014.

Re: Permanent Vocational Nurse License Number 108766
Issued to SHERRY LYNN PORTER
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of November, 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

SHERRY LYNN PORTER
470 S. E. 26TH
PARIS, TX 75460

Via USPS First Class Mail

SHERRY LYNN PORTER
470 S. E. 26TH
PARIS, TX 75460

Katherine A. Thomas

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 108766	§	
Issued to SHERRY LYNN PORTER, a/k/a,	§	
SHERRY PHIPPS, a/k/a,	§	
SHERRY JULIAN PHIPPS, Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHERRY LYNN PORTER, a/k/a, SHERRY PHIPPS, a/k/a, SHERRY JULIAN PHIPPS, is a Vocational Nurse holding License Number 108766, 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 June 27, 2009, Respondent submitted a License Renewal Form (Delinquent for over 90 days) to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that, on or about April 27, 2009, Respondent was arrested by the Sulphur Spring Police Department, Sulphur Springs, Texas, for THEFT PROP>=\$500<\$1500, a Class A misdemeanor offense. Respondent was subsequently charged under Cause No. CR0926447 for THEFT BY CHECK. On or about December 8, 2009, Cause No. CR0926447 was dismissed in County Court, Hopkins County, Texas, for the reason: "RESTITUTION PAID IN FULL \$1,041.92." The charge was pending at the time of renewal.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

CHARGE II.

On or about July 7, 2009, Respondent entered a plea of No Contest or Nolo Contendere to and was convicted of THEFT PROP>=\$20<\$500 BY CHECK, a Class B misdemeanor offense, committed on March 12, 2008, in the County Court, Palo Pinto County, Texas, under Cause No. 53208. As a result of the conviction, Respondent was sentenced to confinement for a period of three (3) months; however, the imposition of confinement was suspended and Respondent was placed on probation for a period of one (1) year, and ordered to pay a fine and court costs. On August 12, 2010, Respondent was discharged from community supervision.

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 III.

On or about July 13, 2009, Respondent entered a plea of Guilty to and was convicted of THEFT PROP>=\$20<\$500 BY CHECK, a Class B misdemeanor offense, committed on March 27, 2008, in the County Court, Hunt County, Texas, under Cause No. CR0802071. As a result of the conviction, Respondent was sentenced to confinement in the Hunt County Jail for a period of one hundred eighty (180) days; however, the imposition of confinement was suspended and Respondent was placed on probation for a period of twelve (12) months, and ordered to pay restitution in the amount of Two Hundred Five Dollars and Forty-Nine cents (\$205.49), along with a fine and court costs. On November 14, 2013, Respondent was discharged from Adjudicated Community Supervision.

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 August 13, 2009, Respondent entered a plea of Nolo Contendere to and was convicted of THEFT PROP>=\$20<\$500 BY CHECK, a Class B misdemeanor offense, committed on March 14, 2008, in the County Court, Hood County, Texas, under Cause No. 41501. As a result of the conviction, Respondent was sentenced to confinement for a period of six (6) months; however, the imposition of confinement was suspended and Respondent was placed on probation for a period of six (6) months, and ordered to pay a fine and court costs. On February 12, 2012, Respondent was discharged from community supervision.

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 V.

On or about January 24, 2011, Respondent submitted an Online Renewal Document to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose:

On or about July 7, 2009, Respondent entered a plea of No Contest or Nolo Contendere to and was convicted of THEFT PROP>=\$20<\$500 BY CHECK, a Class B misdemeanor offense, committed on March 12, 2008, in the County Court, Palo Pinto County, Texas, under Cause No. 53208. As a result of the conviction, Respondent was sentenced to confinement for a period of three (3) months; however, the imposition of confinement was suspended and Respondent was placed on probation for a period of one (1) year.

On or about July 13, 2009, Respondent entered a plea of Guilty to and was convicted of THEFT PROP>=\$20<\$500 BY CHECK, a Class B misdemeanor offense, committed on March 27, 2008, in the County Court, Hunt County, Texas, under Cause No. CR0802071. As a result of the conviction, Respondent was sentenced to confinement in the Hunt County Jail for a period of one hundred eighty (180) days; however, the imposition of confinement was suspended and Respondent was placed on probation for a period of twelve (12) months.

On or about August 13, 2009, Respondent entered a plea of Nolo Contendere to and was convicted of THEFT PROP>=\$20<\$500 BY CHECK, a Class B misdemeanor offense, committed on March 14, 2008, in the County Court, Hood County, Texas, under Cause No. 41501. As a result of the conviction, Respondent was sentenced to confinement for a period of six (6) months; however, the imposition of confinement was suspended and Respondent was placed on probation for a period of six (6) months.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

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. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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).

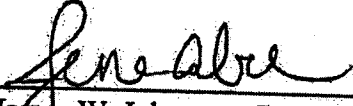
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

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 Disciplinary Sanction Policies for Lying and Falsification, and for Fraud, Theft and Deception, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 11th day of July, 2014.

TEXAS BOARD OF NURSING


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

Jena Abel, Assistant General Counsel
State Bar No. 24036103

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

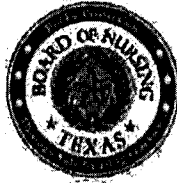
John F. Legris, Assistant General Counsel
State Bar No. 00785533

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6811

F: (512) 305-8101 or (512)305-7401



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov
Katherine A. Thomas, MN, RN, FAAN
Executive Director

July 17, 2014

Certified Mail No. 91 7199 9991 7030 8772 4103
Return Receipt Requested

Sherry Lynn Porter
470 S. E. 26th
Paris, TX 75460

Dear Sherry Lynn Porter:

Enclosed are Formal Charges which have been filed against you because your pending alleged violation(s) of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code, have not been resolved. Within three weeks from the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Send your written answer to the attention of Terry Washington, Investigator, at the above address. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

If a written answer to the Formal Charges is not received within three weeks from the date of this letter, this matter will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The result of any disciplinary action, including any default order or formal disposition (Board Order), is public information. Dispositions, including default orders and formal dispositions, will appear in the Board's quarterly newsletter and will be reported to the National Council of State Boards of

Members of the Board

Kathleen Shipp, MSN, RN, FNP
Lubbock, President

Nina Almay, MSN, RN Austin	Delorah Bell, CLU, ChFC Abilene	Patricia Clapp, DA Dallas	Tamara Cowen, MSN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, MPA, BSN, RN Sugar Land
Shelby Elzey, BBA Midlothian	Monica Hamby, LVN Amarillo	Kathy Leader-Horn, LVN Granbury	Mary M. Lelbeck, MSN, RN Weatherford	Josefina Lujaon, PhD, RN El Paso	Beverly Jean Nutall, LVN Bryan

SHERRY LYNN PORTER

July 17, 2014

Page 2

Nursing, Inc., and the National Practitioner Data Bank (NPDB).

You may resolve this matter by signing the proposed Agreed Order previously sent to you before a notary and returning it to this office. If you do not have the proposed Agreed Order, a duplicate can be sent to you upon request.

Should you desire to discuss this matter, contact Terry Washington, Investigator, Enforcement Division at (512) 305-6852.

Sincerely,



Katherine A. Thomas, MN, RN, FAAN
Executive Director

KAT/232

Enclosure: Formal Charges

DB(2013.05.15)