



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

IN THE MATTER OF  
PERMANENT NURSE  
LICENSE NUMBER 185862,  
ISSUED TO

SHERRI JEAN (GUTIERREZ) CARRASCO,  
RESPONDENT

§ BEFORE THE TEXAS  
§  
§  
§  
§  
§ BOARD OF NURSING

**NUNC PRO TUNC ORDER OF THE BOARD**

TO: SHERRI JEAN (GUTIERREZ) CARRASCO  
PO BOX 217  
GANADO, TX 77962

An Order of the Board was entered for Sherri Jean (Gutierrez) Carrasco on February 9, 2016. The Order, however, contained typographical errors. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Texas Board of Nursing, after review and due consideration of the record and the facts therein submits and enters the corrected Order. Respondent received due process regarding her license; therefore, her rights have not been prejudiced.

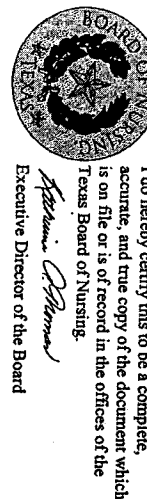
NOW, THEREFORE, IT IS ORDERED that the corrected Order of the Board is hereby approved and entered on the dates set forth below.

Order effective February 9, 2016.

Entered this 25<sup>th</sup> day of February, 2016.

BY:

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



BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Vocational Nurse License Number 185862	§	
issued to SHERRI JEAN GUTIERREZ	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHERRI JEAN GUTIERREZ, Vocational Nurse License Number 185862, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 11, 2015.

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(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status.
4. Respondent received a Certificate in Nursing from Victoria College, Victoria, Texas on August 9, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 8, 2002.
5. Respondent's nursing employment history is unknown.

6. On or about April 13, 2011, Respondent was issued the sanction of REMEDIAL EDUCATION WITH FINE by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 13, 2011, and incorporated, by reference, as part of this Order.
7. On or about July 14, 2011, Respondent was noncompliant with the Order of REMEDIAL EDUCATION WITH FINE, issued to her on April 13, 2011, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number One (1), of the Order which states, in pertinent part:  
  
(1) RESPONDENT SHALL, pay a monetary fine in the amount of one thousand (\$1000) dollars...."
8. On or about April 14, 2012, Respondent was noncompliant with the Order of REMEDIAL EDUCATION WITH FINE, issued to her on April 13, 2011, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Two (2), of the Order which states, in pertinent part:  
  
(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics..."
9. In response to Findings of Fact Seven (7) and Eight (8), Respondent states the reason she is answering this charge is because she thought she could not renew her license. Since she could not pay the fine due to illness and family illness, she would like to do whatever she can to get back into the nursing field.
10. Formal Charges were filed on October 15, 2015.
11. Formal Charges were mailed to Respondent on October 19, 2015.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas

Occupations Code, to take disciplinary action against Vocational Nurse License Number 185862, heretofore issued to SHERRI JEAN GUTIERREZ.

5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

### **TERMS OF ORDER**

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS AND A FINE** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

#### **II. COMPLIANCE WITH LAW**

While under the terms of this Order, RESPONDENT agrees to comply 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 §§211.1 *et seq.*, and this Order.

#### **III. MONETARY FINE**

RESPONDENT SHALL pay a monetary fine in the amount of one thousand two hundred fifty dollars (\$1,250.00) within ninety (90) days of entry of this Order. 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.

**IV. COMPLIANCE WITH PRIOR ORDER**

The Order of the Board issued to RESPONDENT on April 13, 2011 Order is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order and any outstanding Remedial Education Courses required in the Order must be completed within six (6) months from the effective date of this Order.

**V. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15 day of January, 2016.

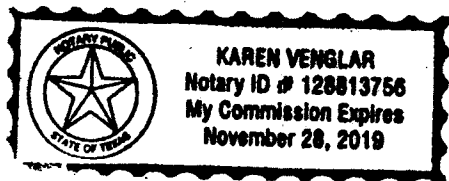
Sherri Jean Gutierrez Canasco  
SHERRI JEAN GUTIERREZ Respondent

Sworn to and subscribed before me this 15 day of January, 2016.

SEAL

Karen Venglar

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 15th day of January, 2016, by SHERRI JEAN GUTIERREZ, Vocational Nurse License Number 185862, and said Order is final.

Effective this 9th day of February, 2016.



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse           §       AGREED  
License Number 185862                       §       ORDER  
issued to SHERRI JEAN GUTIERREZ           §



I do hereby certify that this is a complete, accurate, and true copy of the document which is on file or is of record in the office of the Texas Board of Nursing.  
*Katherine A. Thomas*  
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHERRI JEAN GUTIERREZ, Vocational Nurse License Number 185862, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(2)&(10), Texas Occupations Code, (effective 9/1/1999 through February 1, 2004), and Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 23, 2010, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Nursing from Victoria College, Victoria, Texas on August 9, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 8, 2002.
5. Respondent's vocational nursing employment history is unknown.



6. On or about October 8, 2002, Respondent submitted an Application for Initial Licensure by Examination to the Board of Nurse Vocational Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered No to the question:

"Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

Respondent failed to disclose that on or about January 21, 2000, Respondent entered a plea of Guilty and was convicted of ASSAULT CAUSES BODILY INJURY FAMILY MEMBER, in the County Court Jackson County, Texas, under Cause Number 17719. As a result of the conviction, Respondent was sentenced to confinement in the Jackson County Jail for a period of one (1) year; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.

7. In response to Finding of Fact Numbers Six (6), Respondent states On October 25, 1999, her now ex-husband, knocked on her door and forced his way into her apartment that she shared with her 2 children. He pushed her and they started to struggle. She tried to get away and screamed for help. When the police arrived he was choking her and she scratched him while trying to get away. They were both arrested and charged with Assault. When the court date came, Respondent was advised by the DA to take the Plea of nolo contendere and that it would not go her record, so she accepted the plea and received one year probation.

8. On or about November 3, 2003, Respondent submitted an Texas Online Renewal Document for License Vocational Nurses to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered No to the question:

"Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

Respondent failed to disclose:

On or about June 27, 2003, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=\$20 <\$500 BY CHECK, in the County Court Jackson County, Texas, under Cause Number 19,406. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

On or about October 22, 2003, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=\$20 <\$500 BY CHECK, in the County Court Jackson County, Texas, under Cause Number 19,623. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

9. On or about July 28, 2005, Respondent submitted an Texas Online Renewal Document for License Vocational Nurses to the Board of Nurse Examiners for the State of Texas in which

she provided false, deceptive, and/or misleading information, in that she answered No to the question:

"Have you been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes".)"

Respondent failed to disclose that on or about December 1, 2003, Respondent entered a plea of Guilty and was convicted of ISSUANCE OF BAD CHECK, in the County Court at Law No 1, Victoria County, Texas, under Cause Number 180195. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

10. On or about August 2, 2007, Respondent submitted an License Renewal form for License Vocational Nurses to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered No to the question:

"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudication with or without a finding of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes". you may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form.

Respondent failed to disclose on or about August 18, 2005, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=\$20 <\$500 BY CHECK, in the County Court Jackson County, Texas, under Cause Number 20,543. As a result of the conviction, Respondent was ordered to pay a fine and court cost.

11. In response to Finding of Fact Number Eight (8) through Ten (10), Respondent states she did not realize that a theft by check was a misdemeanor charge. She paid all the fines. She asked several co-workers and they all felt that a theft by check did not have to be reported.

12. Charges were filed on February 1, 2010.
13. Charges were mailed to Respondent on February 2, 2010.
14. As of October 24, 2006, Respondent has failed to repay her Texas Guaranteed Student Loan as required by Texas Education Code §57.491. Respondent exhibited unprofessional conduct in her failure to repay a Texas Guaranteed Student Loan, which may have deprived other students of funds necessary for their educational programs.
15. Respondent's conduct deprives other applicants of needed financial aid and is a violation of Texas Occupations Code §301.452(b)(10) and 22 Texas Administrative Code §217.12(7).

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, 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 302.402(a)(2)&(10), Texas Occupations Code, (effective 9/1/1999 through February 1, 2004), and Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(8)&(29)(A) (effective September 1, 1993 through September 28, 2004), and 22 TEX. ADMIN. CODE §217.12(6)(I),(7)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 185862, heretofore issued to SHERRI JEAN GUTIERREZ, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply 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 §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice 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 nurse licensure compact 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 that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of one thousand (\$1000) dollars. RESPONDENT SHALL pay this fine within Ninety (90) days of entry of this Order. 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.

(2) RESPONDENT SHALL, within one (1) year of entry of this, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT 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) 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT 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 RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

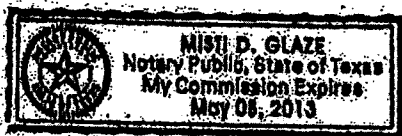
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1<sup>st</sup> day of February, 2011.

Sherril Jean Gutierrez  
SHERRIL JEAN GUTIERREZ, Respondent

Sworn to and subscribed before me this 1 day of February, 2011.


SEAL

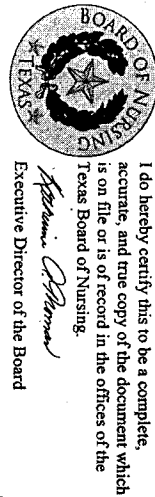


Misti D. Glaze  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 1st day of February, 2011, by SHERRI JEAN GUTIERREZ, Vocational Nurse License Number 185862, and said Order is final.

Effective this 13th day of April, 2011.

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



BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Vocational Nurse License Number 185862	§	
issued to SHERRI JEAN GUTIERREZ	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHERRI JEAN GUTIERREZ, Vocational Nurse License Number 185862, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 11, 2015.

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(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status.
4. Respondent received a Certificate in Nursing from Victoria College, Victoria, Texas on August 9, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 8, 2002.
5. Respondent's nursing employment history is unknown.



6. On or about April 13, 2011, Respondent was issued the sanction of REMEDIAL EDUCATION WITH FINE by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 13, 2011, and incorporated, by reference, as part of this Order.
7. On or about July 14, 2011, Respondent was noncompliant with the Order of REMEDIAL EDUCATION WITH FINE, issued to her on April 13, 2011, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number One (1), of the Order which states, in pertinent part:  
  
(1) RESPONDENT SHALL, pay a monetary fine in the amount of one thousand (\$1000) dollars...."
8. On or about April 14, 2012, Respondent was noncompliant with the Order of REMEDIAL EDUCATION WITH FINE, issued to her on April 13, 2011, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Two (2), of the Order which states, in pertinent part:  
  
(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics..."
9. In response to Findings of Fact Seven (7) and Eight (8), Respondent states the reason she is answering this charge is because she thought she could not renew her license. Since she could not pay the fine due to illness and family illness, she would like to do whatever she can to get back into the nursing field.
10. Formal Charges were filed on October 15, 2015.
11. Formal Charges were mailed to Respondent on October 19, 2015.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas

Occupations Code, to take disciplinary action against Vocational Nurse License Number 185862, heretofore issued to SHERRI JEAN GUTIERREZ.

5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

### **TERMS OF ORDER**

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS AND A FINE** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

#### **II. COMPLIANCE WITH LAW**

While under the terms of this Order, RESPONDENT agrees to comply 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 §§211.1 *et seq.*, and this Order.

#### **III. MONETARY FINE**

RESPONDENT SHALL pay a monetary fine in the amount of one thousand two hundred fifty dollars (\$1,250.00) within ninety (90) days of entry of this Order. 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.

**IV. COMPLIANCE WITH PRIOR ORDER**

The Order of the Board issued to RESPONDENT on April 11, 2012 Order is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order and any outstanding Remedial Education Courses required in the Order must be completed within six (6) months from the effective date of this Order.

**V. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15 day of January, 2016.

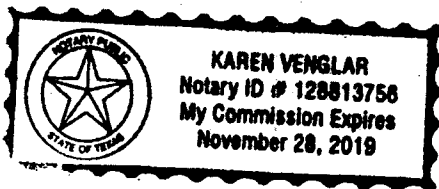
Sherrí Jean Gutierrez Canasco  
SHERRIJEAN GUTIERREZ Respondent

Sworn to and subscribed before me this 15 day of January, 2016.

SEAL

Karen Venglar

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 15th day of January, 2016, by SHERRI JEAN GUTIERREZ, Vocational Nurse License Number 185862, and said Order is final.

Effective this 9th day of February, 2016.



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

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Vocational Nurse           §     AGREED  
License Number 185862                         §  
issued to SHERRI JEAN GUTIERREZ           §     ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHERRI JEAN GUTIERREZ, Vocational Nurse License Number 185862, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(2)&(10), Texas Occupations Code, (effective 9/1/1999 through February 1, 2004), and Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 23, 2010, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Nursing from Victoria College, Victoria, Texas on August 9, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 8, 2002.
5. Respondent's vocational nursing employment history is unknown.

6. On or about October 8, 2002, Respondent submitted an Application for Initial Licensure by Examination to the Board of Nurse Vocational Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered No to the question:
- "Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

Respondent failed to disclose that on or about January 21, 2000, Respondent entered a plea of Guilty and was convicted of ASSAULT CAUSES BODILY INJURY FAMILY MEMBER, in the County Court Jackson County, Texas, under Cause Number 17719. As a result of the conviction, Respondent was sentenced to confinement in the Jackson County Jail for a period of one (1) year; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.

7. In response to Finding of Fact Numbers Six (6), Respondent states On October 25, 1999, her now ex-husband, knocked on her door and forced his way into her apartment that she shared with her 2 children. He pushed her and they started to struggle. She tried to get away and screamed for help. When the police arrived he was choking her and she scratched him while trying to get away. They were both arrested and charged with Assault. When the court date came, Respondent was advised by the DA to take the Plea of nolo contendere and that it would not go her record, so she accepted the plea and received one year probation.

8. On or about November 3, 2003, Respondent submitted an Texas Online Renewal Document for License Vocational Nurses to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered No to the question:

"Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

Respondent failed to disclose:

On or about June 27, 2003, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=\$20 <\$500 BY CHECK, in the County Court Jackson County, Texas, under Cause Number 19,406. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

On or about October 22, 2003, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=\$20 <\$500 BY CHECK, in the County Court Jackson County, Texas, under Cause Number 19,623. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

9. On or about July 28, 2005, Respondent submitted an Texas Online Renewal Document for License Vocational Nurses to the Board of Nurse Examiners for the State of Texas in which

she provided false, deceptive, and/or misleading information, in that she answered No to the question:

"Have you been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes".)"

Respondent failed to disclose that on or about December 1, 2003, Respondent entered a plea of Guilty and was convicted of ISSUANCE OF BAD CHECK, in the County Court at Law No 1, Victoria County, Texas, under Cause Number 180195. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

10. On or about August 2, 2007, Respondent submitted an License Renewal form for License Vocational Nurses to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered No to the question:

"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudication with or without a finding of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes". you may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form.

Respondent failed to disclose on or about August 18, 2005, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=\$20 <\$500 BY CHECK, in the County Court Jackson County, Texas, under Cause Number 20,543. As a result of the conviction, Respondent was ordered to pay a fine and court cost.

11. In response to Finding of Fact Number Eight (8) through Ten (10), Respondent states she did not realize that a theft by check was a misdemeanor charge. She paid all the fines. She asked several co-workers and they all felt that a theft by check did not have to be reported.



12. Charges were filed on February 1, 2010.
13. Charges were mailed to Respondent on February 2, 2010.
14. As of October 24, 2006, Respondent has failed to repay her Texas Guaranteed Student Loan as required by Texas Education Code §57.491. Respondent exhibited unprofessional conduct in her failure to repay a Texas Guaranteed Student Loan, which may have deprived other students of funds necessary for their educational programs.
15. Respondent's conduct deprives other applicants of needed financial aid and is a violation of Texas Occupations Code §301.452(b)(10) and 22 Texas Administrative Code §217.12(7).

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, 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 302.402(a)(2)&(10), Texas Occupations Code, (effective 9/1/1999 through February 1, 2004), and Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(8)&(29)(A) (effective September 1, 1993 through September 28, 2004), and 22 TEX. ADMIN. CODE §217.12(6)(I),(7)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 185862, heretofore issued to SHERRI JEAN GUTIERREZ, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply 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 §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice 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 nurse licensure compact 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 that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of one thousand (\$1000) dollars. RESPONDENT SHALL pay this fine within Ninety (90) days of entry of this Order. 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.

(2) RESPONDENT SHALL, within one (1) year of entry of this, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT 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) 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT 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 RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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### RESPONDENT'S CERTIFICATION

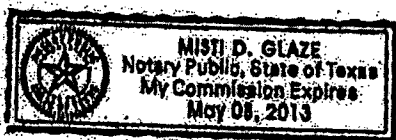
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1<sup>st</sup> day of February, 2011.

Sherri Jean Gutierrez  
SHERRI JEAN GUTIERREZ, Respondent

Sworn to and subscribed before me this 1 day of February, 2011.


SEAL



Misti D. Glaze  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 1st day of February, 2011, by SHERRI JEAN GUTIERREZ, Vocational Nurse License Number 185862, and said Order is final.

Effective this 13th day of April, 2011.

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