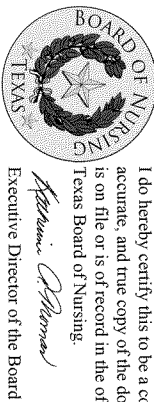


IN THE MATTER OF PERMANENT
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 179557
ISSUED TO SHERRYL DALE DAVIS,
RESPONDENT

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



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.

ORDER OF THE BOARD

TO: Sherryl Dale Davis
17046 Coachmaker Dr
Friendswood, TX 77546

During open meeting held in Austin, Texas, on **May 10, 2016**, 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 179557, previously issued to SHERRYL DALE DAVIS, 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 10th day of May, 2016.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed March 4, 2016.

d17r(2014.12.05)

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2016, 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

Sherryl Dale Davis
17046 Coachmaker Dr
Friendswood, TX 77546

Via USPS First Class Mail

Sherryl Dale Davis
12006 Nectar Grove Ct.
Houston, TX 77089

BY:



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

**In the Matter of
Permanent Vocational Nurse
License Number 179557
Issued to SHERRYL DALE DAVIS,
Respondent**

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

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHERRYL DALE DAVIS, is a Vocational Nurse holding License Number 179557, 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 April 8, 2013, Respondent was arrested by the Houston Police Department, Houston, Texas, and subsequently charged under Cause No. 1888939, for DRIVING WHILE INTOXICATED, a Class A misdemeanor offense

On or about October 28, 2013, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED BLOOD ALCOHOL CONTENT ≥ 0.15 , a Class A misdemeanor offense committed on or about April 8, 2013, in the County Criminal Court at Law No. 8, Harris County, Texas, under Cause No. 188893901010. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of five (5) days (with two [2] days credit toward incarceration); and ordered to pay a fine and court costs.

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

CHARGE II.

On or about June 13, 2015, while employed as a Licensed Vocational Nurse with Denson Home Health, Inc., Houston, Texas, and while providing nursing care to Patient Medical Record Number 02-WK581-01, Respondent failed to report to her supervisor, and/or the patient's physician, that she tripped while holding said patient. Subsequently, on or about June 15, 2015, the patient was admitted to the hospital for an angulated impacted buckle fracture through the distal femur. Respondent's conduct contributed to the patient suffering an unnecessary fracture and delayed information needed by the physician to formulate his or her clinical care decisions.

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)(M), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(6)(C).

CHARGE III.

On or about September 12, 2015, Respondent was arrested by the Harris County Constable's Office Precinct 8, Houston, Texas, and subsequently charged under Cause No. 2054144 for DRIVING WHILE INTOXICATED, a misdemeanor offense committed on or about September 12, 2015, and under Cause No. 1485607 for EVADING ARREST OR DETENTION - MOTOR VEHICLE, WATERCRAFT, OR TIRE DEFLATION DEVICE, a felony offense committed on or about September 12, 2015. These matters are pending.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(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 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 related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

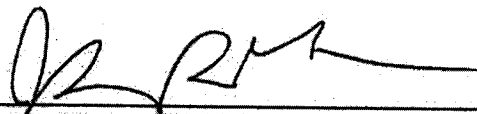
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's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

Filed this 4 day of March, 2016.

TEXAS BOARD OF NURSING



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