



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Vocational Nurse License Number 164148
issued to SHERI ANN BROWER

§
§
§
§

AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHERI ANN BROWER, Vocational Nurse License Number 164148, 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)(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 23, 2018.

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 Agreed Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Victoria College, Yoakum, Texas, on August 7, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on September 18, 1997.
5. Respondent's vocational nursing employment history includes:

09/97 – 12/09	Unknown
---------------	---------

Respondent's vocational nursing employment history continued:

01/10 – 11/13	LVN Charge Nurse	Pine Shadow Retreat Porter, Texas
11/13 – 03/14	LVN Charge Nurse	Brightmoor Nursing Center Salisbury, North Carolina
11/13 – 03/14	LVN Charge Nurse	Magnolia Gardens Spencer, North Carolina
11/13 – 05/16	Private Duty LVN	Self-Employed
05/16 – Unknown	PRN LVN	DaVinci Staffing Dallas, Texas
10/17 – 12/17	LVN	Focused Care at Huntsville Huntsville, Texas
01/18 – Present	Unknown	

6. On or about February 14, 2006, Respondent's license to practice nursing in the State of Texas was Suspended, and Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. On or about March 16, 2007, Respondent successfully completed the terms of the Order. A copy of the February 14, 2006 Order is attached and incorporated herein by reference as part of this Agreed Order.
7. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse (LVN) with Focused Care at Huntsville, Huntsville, Texas, and had been in that position for less than one (1) month.
8. On or about November 23, 2017, while employed as a Licensed Vocational Nurse (LVN) with Focused Care at Huntsville, Huntsville, Texas, Respondent failed to perform a neurological assessment, and/or failed to document her neurological assessment of Resident LS after he returned to the facility from the hospital for treatment of an unwitnessed fall. Respondent's conduct created an incomplete medical record and could have injured the resident in that subsequent caregivers would rely on her documentation to base their decisions for further care.

9. On or about November 23, 2017, while employed as a Licensed Vocational Nurse (LVN) with Focused Care at Hunstville, Huntsville, Texas, Respondent failed to document that Resident LS vomited in his room after he returned to the facility from the hospital. The resident was discovered approximately six (6) hours later, unresponsive and covered in emesis. Respondent's conduct created an incomplete medical record and could have injured the resident in that subsequent caregivers relied on her documentation to base their decisions for further care.
10. On or about December 19, 2017, while employed as a Licensed Vocational Nurse (LVN) with Focused Care at Hunstville, Huntsville, Texas, Respondent left the facility at the end of her shift without giving report to the oncoming shift nurse. Respondent's conduct could have injured the residents in that subsequent care givers did not have complete information to base their decisions for further medical care.
11. In response to Findings of Fact Numbers Eight (8) through Ten (10), Respondent states that she filled out her neurological assessment of Resident LS and left the sheet on the medication cart. Respondent acknowledges that she meant to go back into the computer and document that Resident LS vomited a little when the ambulance personnel put him into bed, but Respondent adds that they were understaffed and she had a multitude of demands, so she forgot to make a notation about his vomiting. Respondent states it was over two (2) hours after Respondent left the facility at the end of her shift that Respondent LS was found unresponsive. Respondent adds that during that time, subsequent caregivers were responsible for Resident LS's care and documentation of Resident LS's neurological and other assessments. Regarding the shift report, Respondent states she tried to give report to the night shift nurse who was present, but that nurse was angry with understaffing, as well as with a negative interaction with another nurse. Respondent states that she attempted to give report, but the on-coming refused to take report.
12. On or about October 12, 2018, Respondent successfully completed a Board approved course in Sharpening Critical Thinking Skills, which would have been a requirement of this Order.

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 §217.11(1)(A),(B),(D)&(P).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 164148, heretofore issued to SHERI ANN BROWER.
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** 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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed

on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. **REMEDIAL EDUCATION COURSE(S)**

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that 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. Home study and video programs will not be approved.

- B. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Indirect Supervision:** RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, 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 RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

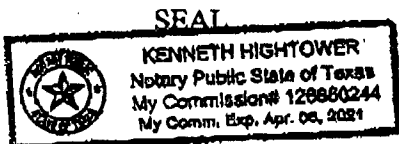
I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19 day of November, 2018.

Sheri Ann Brower

SHERI ANN BROWER, Respondent

Sworn to and subscribed before me this 19 day of November, 2018.



Kenneth Hightower

Notary Public in and for the State of Texas

Approved as to form and substance.


Nancy Roper Willson

Nancy Roper Willson, Attorney for Respondent

Signed this 19 day of November, 2018

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of November, 2018, by SHERI ANN BROWER, Vocational Nurse License Number 164148, and said Agreed Order is final.

Effective this 24th day of January, 2019.



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

5. Respondent's vocational nursing employment history includes:

Present	Licensed Vocational Nurse	Humble Health Care Humble, Texas
---------	---------------------------	-------------------------------------

6. On or about February 12, 1994, Respondent was arrested by the Columbus Police Department, Columbus, Texas, for the offense of Driving While Intoxicated. On August 24, 1994, Respondent was convicted of Driving While Intoxicated in the Colorado County Court, Columbus, Texas, Cause No. 11984.
7. On or about June 6, 1997, Respondent submitted a Application for Licensure by Examination to the office of the Board of Vocational Nurse Examiners and answered "No" to question which reads as follows; "Have you ever been convicted of a misdemeanor other than a minor traffic violation?" Respondent was convicted of the offense of "Driving While Intoxicated," on August 24, 1994, as indicated in Finding of Fact Number six (6).
8. On or about May 1, 1997, Respondent was arrested by the Colorado County Sheriff's Department, Columbus, Texas, for the offense of Driving While Intoxicated. On November 12, 1997, Respondent plead guilty and was convicted of Driving While Intoxicated in the Colorado County Court, Columbus, Texas, Cause No. 13590. Respondent was sentenced to two (2) years community supervision and assessed a fine in the amount of three thousand dollars (\$3000).
9. On or about September 28, 1999, Respondent submitted a Vocational Renewal form to the office of the Board of Vocational Nurse Examiners and answered "No" to question which reads as follows; "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?" Respondent was convicted of the offense of "Driving While Intoxicated," on November 12, 1997, as indicated in Finding of Fact Number eight (8).
10. On or about August 28, 2004, Respondent was arrested by the Montgomery County Sheriff's Department, Porter, Texas, for the misdemeanor offenses of Disorderly Conduct and Public Intoxication. On February 3, 2005, Respondent plead guilty to the offenses of Disorderly Conduct and Public Intoxication and was placed on Deferred Adjudication for a period of three (3) months and issued a two hundred dollar (\$200.00) fine. On May 4, 2005, Respondent completed the conditions of her probation.
11. On or about August 18, 2005, Respondent underwent a forensic psychological evaluation, performed by Dr. John Lehman, Ph.D. Dr. Lehman stated: "...she denies any alcohol problem and denies the need to seek treatment. While she claims this has not impacted her work, I could not guarantee there would be no problems in the future. She is a risk for returning to alcohol abuse. Overall she would be classified as chemically dependent and not in recovery. She need to seek treatment and is reluctant to do so, which is problematic."

12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN.
13. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Texas Occupations Code, Sections 301.401-301.419.
14. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
15. Charges were filed on December 27, 2005.
16. Charges were mailed to Respondent on January 2, 2006.
17. Respondent's conduct described in Findings Numbers six(6), eight(8), and ten(10) were significantly influenced by Respondent's impairment by dependency on chemicals.
18. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-.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 of Sections 302.402(a)(10) and 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(8).
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 164148, heretofore issued to SHERI ANN BROWER, including revocation of Respondent's license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Vocational Nurse License Number 164148, previously issued to SHERI ANN BROWER, to practice vocational nursing in Texas is hereby SUSPENDED and said suspension is enforced until such time that Respondent complies with the requirements of Stipulation Number One (1). Additionally, RESPONDENT SHALL pay a monetary fine in the amount of one thousand eight hundred dollars (\$1800). RESPONDENT SHALL pay this fine within one hundred thirty-five (135) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). Respondent's suspension will be stayed upon Respondent's compliance with the requirements of Stipulation Number One (1). Once said suspension is stayed, Respondent's license shall be probated until Respondent completes all requirements of this final order.

(1) RESPONDENT SHALL, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED AND ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, 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 this Order.

IT IS FURTHER AGREED, that the terms of this Agreed Order shall be applicable to Respondent's multistate licensure privileges, if any, to practice vocational 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 multistate licensure 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

Jan 29 06 10:19a
01/29/2006 22:45 512,9958101

p. 6
PAGE 08/09

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, and 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 28 day of Jan, 2006.

Sheri Ann Brower

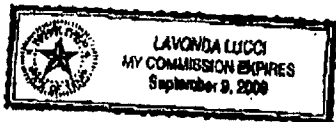
SHERI ANN BROWER, Respondent

Sworn to and subscribed before me this 28 day of January, 2006.

SEAL

Lavonda Lucci

Notary Public in and for the State of Texas



Approved as to form ^{new} and substance.

Nancy Roper Willson
Nancy Roper Willson, Attorney for Respondent

Signed this 29 day of January, 2006

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 28th day of January, 2006, by SHERI ANN BROWER, Vocational Nurse License Number 164148, and said Order is final.

Entered and effective this 14th day of February, 2006.



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