

In the Matter of
Permanent Registered Nurse
License Number 535073 &
Permanent Vocational Nurse
License Number 111952
Issued to CHERYL DIANE MORTIMER,
Respondent

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

ORDER OF THE BOARD

TO: Cheryl Mortimer
2200 Legacy Ln Apt 130
Belton, TX 76513

During open meeting held in Austin, Texas, on August 10, 2021, 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 Registered Nurse License Number 535073, and Permanent Vocational Nurse License Number 111952, previously issued to CHERYL DIANE MORTIMER 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 August, 2021

TEXAS BOARD OF NURSING

BY: 

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

Attachment: Formal Charges filed April 28, 2021

d17r(2021.07.15)

Re: Permanent Registered Nurse License Number 535073
& Permanent Vocational Nurse License Number 111952
Issued to CHERYL DIANE MORTIMER
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of August, 2021, 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,
Copy Via USPS First Class Mail

Cheryl Mortimer
2200 Legacy Ln Apt 130
Belton, TX 76513

BY: Katherine A. Thomas

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

In the Matter of	§	
Permanent Registered Nurse	§	BEFORE THE TEXAS
License Number 535073 &	§	
Permanent Vocational Nurse	§	
License Number 111952	§	BOARD OF NURSING
Issued to CHERYL DIANE MORTIMER,	§	
Respondent		

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CHERYL DIANE MORTIMER, is a Registered Nurse holding license number 535073 which is in current status at the time of this pleading. Further, Respondent is a Vocational Nurse holding license number 111952 which is in delinquent 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 May 12, 2020, through May 15, 2020, while employed as a Registered Nurse in the role of Care Manager with Baylor Scott & White McLane Children's Medical Center, Temple, Texas, Respondent inappropriately accessed the electronic medical records of Patients SC, CH, LW, AN, AB, IO, AC, and NH, who were not her assigned patients, and without authorization. Respondent's conduct exposed the patients unnecessarily to a risk of harm from use, accessing or disclosure of their confidential medical information without their written authorization and placed the facility in violation of HIPAA (The Health Insurance Portability and Accountability Act).

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)(E) and 22 Tex. Admin. Code §217.12(1)(C).

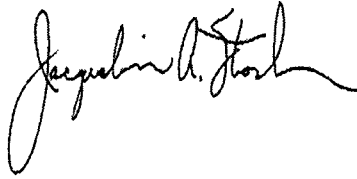
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33.

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, 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 28th day of April, 2021

TEXAS BOARD OF NURSING



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