TEXAS BOARD OF NURSING
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.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§
Registered Nurse License Number 739952	§
issued to SHERRY L DUFFEY	§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 739952, issued to SHERRY L DUFFEY, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received an Associate Degree in Nursing from Owens Community College, Toledo, Ohio, on June 1, 1985. Respondent was licensed to practice professional nursing in the State of Texas on April 5, 2007.

4. Respondent's professional nursing employment history includes:

1985 - 1989	Unknown	
1989 - 1994	Weekend Supervisor	Whitehouse Country Manor Whitehouse, Ohio
1994 - 1998	Staff Nurse	Nellis Air Force Base Las Vegas, Nevada

Respondent's professional nursing employment history continued:

1998 - 2001	Staff Nurse	Wilford Hall Medical Center San Antonio, Texas
2001 - 2004	Staff Nurse	Wright-Patterson Air Force Base Dayton, Ohio
2004 - 2007	Nurse Manager	Dyess Air Force Base Abilene, Texas
2007 - 2008	Charge Nurse	Wesley Court Methodist Center Abilene, Texas
2008 - present	Unknown	

5. On December 14, 2010, Respondent was issued the sanction of a Reprimand with Stipulations by the Texas Board of Nursing. A copy of the December 14, 2010, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

6. On March 16, 2012, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas in lieu of complying with the Agreed Order issued to her on December 14, 2010. A copy of Respondent's notarized statement, dated March 13, 2012, is attached and incorporated, by reference, as part 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 §217.12(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1) and (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 739952, heretofore issued to SHERRY L DUFFEY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 739952, heretofore issued to SHERRY L DUFFEY, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

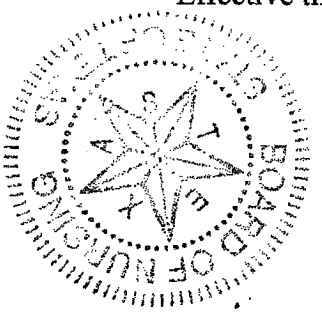
1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

Effective this 10th day of September, 2012.



TEXAS BOARD OF NURSING

By: Katherine A. Thomas

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 Registered Nurse	§	AGREED
License Number 739952	§	
issued to SHERRY L. DUFFEY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHERRY L. DUFFEY, Registered Nurse License Number 739952, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 24, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from Owens Community College, Toledo, Ohio, on June 1, 1985. Respondent was licensed to practice professional nursing in the State of Texas on April 5, 2007.

5. Respondent's nursing employment history includes:

1985-1989	Unknown

Respondent's nursing employment history continued:

1989-1994	Weekend Supervisor Whitehouse Country Manor Whitehouse, OH
1994-1998	Staff Nurse Nellis Air Force Base Las Vegas, NV
1998-2001	Staff Nurse Wilford Hall Medical Center San Antonio, TX
2001-2004	Staff Nurse Wright-Patterson Air Force Base Dayton, OH
2004-2007	Nurse Manger Dyess Air Force Base Abilene, TX
2007-2008	Charge Nurse Wesley Court Methodist Center Abilene, Texas
2008- present	Unknown

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as Registered Nurse with Wesley Court Methodist Retirement Community Center, Abilene, Texas, and had been in this position for approximately two (2) months.

7. On or about September 10, 2007, while working at Wesley Court Methodist Retirement Community Center, Abilene, Texas, Respondent failed to completely and accurately document intake and output information for Patient MR#18243 and Patient MR#18122, as required. Respondent's failure may have exposed said patients to the risk of harm in that subsequent care givers would have had to rely on incomplete and inaccurate information on which to base their plan of care.

8. In response to Finding of Fact Number Seven (7), Respondent admits to failing to document intake and output for said patients. Respondent states that she was not trained to complete the form for intake/output, and believed that the Certified Nurse Assistants were responsible for this task. Respondent adds that once she was made aware where the intake/output forms were located, she completed the forms as required thereafter.

9. On or about December 17, 2007, while working at Wesley Court Methodist Retirement Community Center, Abilene, Texas, Respondent failed to maintain medication administration safety measures in that she left medications for Patient MR#18110 unattended in said patient's room. Respondent's conduct failed to promote a safe environment for patients who would have had access to these unsecured dangerous medications.

10. In response to Finding of Fact Number Nine (9), Respondent states that when she entered patient MR# 18110's room, he was in the bathroom. Respondent adds that she briefly left the medications for said patient on his table, and left to call a physician, at which time, the medications were found by the patient's daughter.

11. On or about February 1, 2008, while working at Wesley Court Methodist Retirement Community Center, Abilene, Texas, Respondent exposed others to the risk of harm in that she left used uncapped needles, lancets, and other bio-hazardous items in an open "non sharps" plastic "basket" at the Nurse's station. Subsequently, an employee suffered a "needle stick." Respondent's actions were a violation of standards of care, and caused physical and emotional injury to a fellow employee.

12. In response to Finding of Fact Number Eleven (11), Respondent states that neither the patients' rooms, nor the medication carts, contained any "Sharps"containers. She adds that she went to dispose of the contaminated items in the "medication room," but found it locked. Respondent admits to leaving a "basket" full of used needles, lancets, and other bio-hazardous items at the Nurse's station to attend to a patient, at which time, another nurse suffered the "needle stick."

13. On or about February 19, 2007, while working at Wesley Court Methodist Retirement Community Center, Abilene, Texas, Respondent failed to implement measures to prevent exposure to pathogens and communicable conditions in that she failed to properly dispose of used needles, lancets, and other bio-hazardous items, as required. Instead, Respondent kept said items in a "non sharps" plastic cup in her personal locker. Respondent's failure exposed her and others to the risk of contracting dangerous and incurable infections, ailments, and disease.

14. In response to Finding of Fact Number Thirteen (13), Respondent states that she wanted to prove to the facility's nursing administration how much one work shift entailed, and to justify having to work overtime. She collected used lancets, insulin syringes, and empty respirator ampules as evidence. Respondent adds that she kept said items in a covered plastic container in her personal locker.

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 of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A), (1)(B), (1)(D) & (1)(O), and 22 TEX. ADMIN. CODE§217.12(1)(B), (4)&(6)(C).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 739952, heretofore issued to SHERRY L. DUFFEY, including revocation of Respondent's license(s) to practice 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 REPRIMAND WITH STIPULATIONS, 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(s) is/are

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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, 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.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: 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. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Infection Control," a 5.0 contact hours workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following website: http://www.dads.state.tx.us/providers/Training/jointtraining.cfm or by contacting (512) 438-2201.*

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order

to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations conditions on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations conditions on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any,

to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(8) For the duration of the stipulation period, RESPONDENT SHALL be supervised by a Registered 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.

(9) 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 Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two(2) year(s) of employment as a nurse.

IT IS FURTHER AGREED, that 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 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29th day of November 2010.

Sherry L. Duffey

SHERRY L. DUFFEY, Respondent

Sworn to and subscribed before me this 29th day of November, 2010.

SEAL

Dorothy Jane Drones

Notary Public in and for the State of Texas

DOROTHY JANE DRONES
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
9-11-2012

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of November, 2010, by SHERRY L. DUFFEY, Registered Nurse License Number 739952, and said Order is final.

Effective this 14 day of 12, 2010.

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

SHERRY DUFFEY
15526 Westwood Avenue
Monroe, MI 48161
Texas RN License #739952

Voluntary Surrender Statement

December 16, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse in the state of Texas. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I, SHERRY DUFFEY, waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Sherry L Duffey

Date 3-13-2012

Texas Nursing License Number/s 739952

The State of Texas

Before me, the undersigned authority, on this date personally appeared SHERRY DUFFEY who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 13 day of march, 2012.

SEAL

Sheila Ford
Notary Public in and for the State of Michigan

SHEILA FORD
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MONROE
My Commission Expires: April 8, 2012
Acting in the County of Monroe