

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

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In the Matter of Vocational Nurse           §       AGREED  
License Number 167056                         §  
issued to SHERI LYNN HUTCHINGS         §       ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHERI LYNN HUTCHINGS, Vocational Nurse License Number 167056 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 4528c Sec. 10(a)(9) (before 9/1/99), Tex. Rev. Civ. Stat., and Section 301.452(b)(10) & (13) (after 2/1/04), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 11, 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.
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 Certificate in Vocational Nursing from Western Texas College, Snyder, Texas on February 19, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on March 20, 1998.

5. Respondent's vocational nursing employment history includes:

03/98 - 08/98	Unknown	
09/98 - 09/00	LVN	Covenant Family Healthcare Lubbock, Texas
10/00 - 01/04	LVN/CPht Assistant Pharmacy Director	Luker Pharmacy Management Rosenburg, Texas
12/01 - 01/03	LVN	Medical Arts Hospital Lamesa, Texas
01/04 - 10/04	LVN	South Plains Rural Health Services Lamesa, Texas
11/04 - 05/05	Unknown	
06/05 - 05/06	LVN	Home Hospice of Odessa/Midland Big Spring, Texas
06/06 - Present	Unknown	

6. On or about September 13, 1991, Respondent plead guilty and was convicted for the offense "Assault," a Class A Misdemeanor, in the Dawson County Court at Law, Lamesa, Texas, Cause Number 4824A. Respondent was sentenced to confinement for a period of thirty-six (36) days in the Dawson County Jail. Respondent was ordered to pay court costs in the total amount of one hundred forty-seven dollars (\$147.00).
7. On or about December 16, 1998, Respondent plead guilty and was convicted for the offense "Attaching or Displaying on a Motor Vehicle a Wrong, Fictitious, or Unclean License Plate," a Class B Misdemeanor, in the Dawson County Court at Law, Lamesa, Texas, Cause Number 7037A. Respondent was ordered to pay court costs in the total amount of one hundred eighty-four dollars (\$184.00).
8. Regarding the conduct outlined in Finding of Fact Number Seven (7), Respondent states that she bought her vehicle from a small dealer and received paper tags. She states that she got pulled over several months later by police and was informed that her paper tags were expired and was given a warning. She states that she went back to the dealer who claimed that he must have forgotten to send the paperwork, and he gave her another paper tag until hers would come in. She states that later her car was involved in a DWI matter without her permission or knowledge, and was questioned by the police about the paper tag. She states that she explained her story to the police, and the police stated that was illegal.
9. On or about May 11, 2006, while employed with Home Hospice of Odessa/Midland, Big Spring, Texas, Respondent removed Alprazolam .5mg prescribed for Patient Medical Record Number 6817 from said patient's home without a physician's order to discontinue the

medication. Respondent's conduct was likely to injure the patient in that removing the Alprazolam without a physician's order could have resulted in the patient not having the medication when needed and exposed the patient unnecessarily to the risk of harm.

10. On or about May 11, 2006, while employed with Home Hospice of Odessa/Midland, Big Spring, Texas, Respondent removed Alprazolam .5mg prescribed for Patient Medical Record Number 6817 from said patient's home but failed to follow facility policy and procedure for the destruction of the unused portions of Alprazolam. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
11. On or about May 11, 2006, while employed with Home Hospice of Odessa/Midland, Big Spring, Texas, Respondent dispensed Alprazolam .5mg to Patient Medical Record Number 6774 without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Alprazolam without a physician's order could result in the patient suffering from adverse reactions.
12. Regarding the conduct outlined in Findings of Fact Numbers Nine (9) and Ten (10), Respondent states that she removed the Alprazolam from the home of Patient Medical Record Number 6817 at the request of the patient's husband. She states that the patient's husband handled the medication for his wife and was meticulous about her medication. She states that he wanted the medication removed since he did not know who brought it or when, and because the medication was not brought to the home by Respondent. Respondent states that she took the one (1) and a half (1/2) tablets of Alprazolam remaining in the bottle with the intention of destroying the medication back at the office with a licensed person as a witness.

Regarding the conduct outlined in Finding of Fact Number Eleven (11), Respondent states that on either 5/9/06 or 5/10/06 she was informed by Patient #6774 that she needed a refill on her Alprazolam .25 mg. Respondent states that after the visit she called Jones McCall Pharmacy in Lamesa to authorize a refill for the patient to pick up the following day. She states that on 5/11/06 she received a phone call from Patient #6774 who was "very distraught, anxious and uncontrollable." She states that the patient told her that she went to pick up the prescription but the pharmacy personnel told her that they could not find where an authorization was called in and that they would call Respondent to verify authorization. Respondent states that she informed the patient that the pharmacy never called her. She states that the patient claimed that she has been worrying, anxious, and stressed out and had started to bleed from her nose. Respondent states that she proceeded to patient's home and found patient with a rag to her nose soaked in blood.

Respondent states that she assisted patient to a chair and had her do things to stop the bleeding. She states that she told the patient that should would go to her car to make some calls to obtain her medication. Because the Jones McCall pharmacy was closed and there were no after hours services available in Lamesa, Respondent states that she went to get information about who was the nurse on call in the Big Spring area and the Pharmacist on call in the Big Spring. She states that while looking in her nursing bag, she found a pill bottle that had been previously removed from the home of Patient #6817 containing 1 & 1/2

pills of Alprazolam .5mg. She states that considering the fact that it would take approximately 3-4 hours to contact the on call Pharmacist and get the medication filled and delivered, Respondent felt it was in the best interest for the patient to give her the other patient's medication in order to avoid the ER and/or prolonged bleeding which in turn could result in death. Respondent states that she confirmed the medication as Alprazolam. She states that she tore off the other patient's name only and left the med name, strength, dose, manufacturer, expiration date and MD's name. She states the MD is the same doctor for this patient and who has a written prescription for Alprazolam .25mg. She states that she explained to the patient that she had a dose of the medication for her but that the pill was twice the strength the patient regularly takes and that she would only need to take half of the pill. She states that the patient agreed to take the medication. Respondent states that she assisted patient with a glass of water and she took half the pill. Respondent adds that she stayed with the patient until her anxiety was reduced and the bleeding was reduced to a drip. Respondent states that she told patient that she would call Jones McCall pharmacy in the morning and inquire why her refill had not been filled previously and have them deliver it first thing in the morning.

#### 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 4528c Sec. 10(a)(9) (before 9/1/99), Tex. Rev. Civ. Stat., and Section 301.452(b)(10) & (13) (after 2/1/04), Texas Occupations Code, 22 TEX. ADMIN. CODE §239.11(29)(A) (before 9/1/99), 22 TEX. ADMIN. CODE §217.11(1)(B) & (C) (after 2/1/04), and 22 TEX. ADMIN. CODE §217.12(1)(A), (10)(C) & (11)(B) (after 2/1/04).
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 167056, heretofore issued to SHERI LYNN HUTCHINGS, 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 WARNING 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 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 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 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 ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations 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 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.

(5) 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.

(6) RESPONDENT SHALL be supervised by a Registered Nurse or 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.

(7) 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 or Licensed Vocational 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 one (1) year of employment as a nurse.

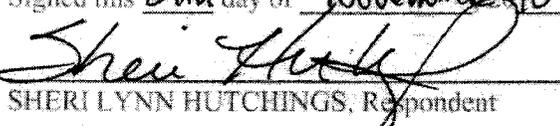
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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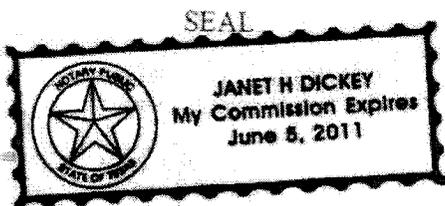
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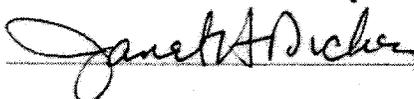
RESPONDENT'S CERTIFICATION

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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

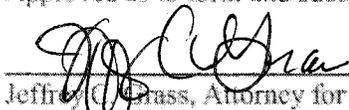
Signed this 24th day of November 2010.  
  
SHERI LYNN HUTCHINGS, Respondent

Sworn to and subscribed before me this 24th day of November 2010.



  
Notary Public in and for the State of TEXAS

Approved as to form and substance.

  
Jeffrey C. Grass, Attorney for Respondent

Signed this 29th day of November, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of November, 20 10, by SHERILYNN HUTCHINGS, Vocational Nurse License Number 167056, and said Order is final.

Effective this 27th day of January, 20 11.



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