

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 633624
ISSUED TO
SHERRY BRYAN LARA

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF 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.
Patricia P. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Sherry Bryan Lara
16326 Jones Cutoff Rd
Bonita, LA 71233

During open meeting held in Austin, Texas, on February 8, 2011, the 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 of the Texas Board of Nursing 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 to practice professional 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 Eligibility and Disciplinary 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 Certificate Number 633624, previously issued to SHERRY BRYAN LARA, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Entered this 8th day of February, 2011.

TEXAS BOARD OF NURSING

BY:



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

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of February, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Sherry Bryan Lara
16326 Jones Cutoff Rd
Bonita, LA 71233



BY:

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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 633624, Issued to §
SHERRY BRYAN LARA, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHERRY BRYAN LARA, is a Registered Nurse holding license number 633624, 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 September 14, 2009, Respondent entered a plea of "Guilty" and was convicted of ATTEMPTED SECOND-DEGREE MURDER (a Second Degree Felony offense committed on August 17, 2008), in the Fourth Judicial District Court-Morehouse, Morehouse Parish, Louisiana, under Cause No. 2008-F-869. As a result of the conviction, Respondent was sentenced to ten (10) years confinement in the Louisiana State Prison System.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE II

On or about December 9, 2009, Respondent's license to practice professional nursing in the State of Louisiana was REVOKED by the Louisiana State Board of Nursing. A copy of the Louisiana State Board of Nursing Final Order, Findings of Fact, and Conclusions of Law, dated December 9, 2009, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to 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 § 301.461, TEX. OCC. CODE ANN. 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.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Louisiana State Board of Nursing Final Order dated December 9, 2009.

Filed this 29th day of November, 2010.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Louisiana State Board of Nursing Final Order

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**LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA**

**IN THE MATTER OF:
SHERRY BRYAN CAMPBELL
17798 OLD BONITA RD.
BASTROP, LA 71220
RESPONDENT**

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FINAL ORDERS

The Louisiana State Board of Nursing, having set a hearing to determine whether cause exists under LA R.S. 37:911 et seq., to revoke or suspend or otherwise discipline the license of **SHERRY BRYAN CAMPBELL** ["Respondent"], held said hearing on December 7, 2009, pursuant to applicable Louisiana laws and regulations.

A quorum of the Board was present. Celia Cangelosi, attorney, represented the Board and served as counsel to the President. E. Wade Shows, attorney, served as prosecuting attorney for the Board. Respondent was not present and was not represented by counsel at this hearing.

Testimony and other evidence were received by the Board and, as a result thereof, the Board makes the following findings of fact and conclusion of law.

FINDINGS OF FACT

JURISDICTION

1. On July 11, 1996, Respondent was licensed by examination to practice as a Registered Nurse in Louisiana.
2. On February 1, 2009, Respondent's license became delinquent.

LEGAL NOTICES

3. On October 9, 2009, a demand letter was mailed by certified mail to Respondent's address of record. The letter was returned unclaimed to LSBN Office on October 20, 2009.
4. On October 28, 2009, formal charges were filed against Respondent. Charges and notice of board hearing were sent certified mail, return receipt requested to Respondent's address of record. The letter was returned unclaimed to LSBN Office on November 5, 2009.
5. On November 16, 2009, a demand letter was mailed by certified mail to new address for Respondent. On November 17, 2009, return receipt was signed.
6. On November 16, 2009, formal charges and notice of board hearing were sent certified mail, return receipt requested to new address for Respondent. On November 17, 2009, return receipt was signed.
7. On November 30, 2009, final notice of board hearing with dates, times, and place of hearing were sent certified mail, return receipt requested to Respondent's address on record.

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
SHERRY BRYAN CAMPBELL
17798 OLD BONITA RD.
BASTROP, LA 71220
RESPONDENT

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FINAL ORDERS

CURRENT CHARGES

8. On September 14, 2009, Respondent was convicted of Attempted 2nd Degree Murder after being arrested on August 21, 2008, by the Morehouse Parish Sheriff's Department for Attempted 1st Degree Murder of August 17, 2008, and then being indicted on September 29, 2008, by the Grand Jurors in Morehouse Parish for Attempted 2nd Degree Murder (LA R.S. 14:27 and R.S. 14:30.1(1).)
9. On December 7-9, 2009, an administrative hearing was held. The Board reviewed documents, evidence and heard testimony. Board witness(es) appeared credible and truthful.

CONCLUSIONS OF LAW

1. That pursuant to LA R.S. 37:911 et seq., the Louisiana State Board of Nursing has jurisdiction over this matter.
2. That Respondent was properly notified of the charges and date of hearing.
3. That based on the foregoing Findings of Fact, Respondent did violate LA R.S. 37:921 as follows:
 - Respondent is convicted of a crime or offense which reflects the inability of the nurse to practice nursing with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement or nonadjudication. La. R.S. 37:921 (2); and
 - Respondent is unfit or incompetent by reason of negligence, habit, or other cause; La. R.S. 37:921(3).
4. That the evidence presented constitutes sufficient cause pursuant to LA R.S. 37:921 to revoke Respondent's license to practice as a Registered Nurse in Louisiana.

ORDER

In an open meeting of the Louisiana State Board of Nursing on December 9, 2009, the following Order was rendered:

It is **ORDERED, ADJUDGED** and **DECREED** that the license of this Respondent be revoked.

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
SHERRY BRYAN CAMPBELL
17798 OLD BONITA RD.
BASTROP, LA 71220
RESPONDENT

*
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*

FINAL ORDERS

Respondent shall:

1. Immediately surrender current RN license to Board staff to be retained in the Respondent's file.
2. Refrain from working in any capacity as a Registered Nurse. Failure to do so shall cause criminal charges.
3. Within 3 months, submit payment of \$600.00 to the Board as cost of this hearing.

Reporting: This will be reported to the Healthcare Integrity and Protection Data Bank (HIPDB) as 19: Criminal Conviction.

HIPDB Narrative: Respondent's license was permanently revoked after RN was convicted of attempted second degree murder of her spouse.

A copy of this Final Order shall be served upon the respondent by certified mail, return receipt requested.

Entered this 16th day of December, 2009.

LOUISIANA STATE BOARD OF NURSING



Barbara L. Morvant, MN, RN
Executive Director