BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Vocational Nurse	§	
License Number 70223 and Registered Nurse	§	REINSTATEMENT
License Number 548198	§	
issued to SHERRY NANCY PARROTT	§	AGREED ORDER

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

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of Vocational Nurse License Number 70223 and Registered Nurse License Number 548198, held by SHERRY NANCY PARROTT, hereinafter referred to as Petitioner.

An informal conference was held on November 16, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Carol Marshall, MSN, RN, Nurse Consultant, Executive Director's Designee; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Elise Dunham, Investigator; Marsha Wilson, RN, Investigator; Laura Ferrell, RN, Investigator; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.

2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.

3. Petitioner received a Certificate in Vocational Nursing from Austin Community College, Austin, Texas, on April 26, 1976. Petitioner received a Baccalaureate Degree in Nursing from the University of Texas, Austin, Texas, on May 1, 1988. Petitioner was originally licensed to practice vocational nursing in the State of Texas on November 19, 1976. Petitioner was originally licensed to practice professional nursing in the State of Texas on September 1, 1988.

4. Petitioner's nursing employment history includes:

11/76 - 5/88	Unknown	
6/88 - 5/94	GN/Staff Nurse	Seton Medical Center Austin, Texas
6/94 - 12/95	Unknown	
1/96 - 5/96	Staff Nurse	DaVita Dialysis Austin, Texas
6/96 - present	Not employed in nursing	

5. On March 12, 1996, Petitioner's license to practice vocational nursing in the State of Texas was suspended by the Board of Vocational Nurse Examiners for the State of Texas. The suspension was stayed and Petitioner was placed on probation for eighteen (18) months. A copy of the March 12, 1996, Order of the Board is attached and incorporated, by reference, as part of this Order.

6. On September 30, 1996, the Board of Nurse Examiner's for the State of Texas accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the September 30, 1996, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

7. On September 16, 1997, Petitioner's license to practice vocational nursing was revoked by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Proposal for Decision and Order of the Board is attached and incorporated, by reference, as part of this Order.

8. On or about September 6, 2006, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

9. Petitioner presented the following in support of her petition:

9.1 Letter, dated August 16, 2006, from Darlene Warrick McLaughlin, MD, states she has treated Petitioner since June 16, 2005. She carries the diagnoses of Bipolar NOS, Opioid Dependence in sustained remission, and Alcohol Dependence in sustained remission. Up until the last few weeks, Petitioner has been enrolled in a methadone maintenance program. She has worked on the goal of reducing and discontinuing Methadone so that she might attain her goal of having her nursing license reinstated, a goal which Dr. McLaughlin fully supports. Petitioner states that she is invested in recovery through the 12-step program and is actively working the steps with a sponsor. She has been adherent to the treatment plan developed with Dr. McLaughlin. Petitioner is maintained on Abilify, Serzone, and Effexor XR. Her mood is stable. Dr. McLaughlin believes that Petitioner is a good candidate for reinstatement of her nursing license.

9.2. Letter, dated November 11, 2006, from Shirley Baugh, RN, BSN, TPAPN Advocate, states she has known Petitioner for over fifteen (15) years. Though she did not work with Petitioner, she worked with her peers and knew Petitioner to have an excellent reputation as a critical care nurse. During the last ten (10) years, Ms. Baugh would often run into Petitioner, and as a TPAPN Advocate, would encourage her to apply to the Board for reinstatement. Ms. Baugh began seeing Petitioner at Alcoholics Anonymous (AA) meetings and saw her grow in her program. Petitioner exhibits good sobriety by regular attendance at 12-step meetings, having a sponsor, and participating in AA related activities. Ms. Baugh believes Petitioner would make a good candidate for the Board to consider reinstatement.

9.3. Letter, dated October 25, 2006, from Michelle Medina-Dodson, Vocational Rehabilitation Counselor, Texas Department of Assistive and Rehabilitative Services, states Petitioner applied for services in March 2006. She has been determined eligible, and once her Individual Plan for Employment is created, she will be sponsored for a refresher course and participation in TPAPN.

9.4. Documentation of support group attendance dating from January 2006 through October 2006.

9.5. Documentation of thirty (30) Type I Continuing Education contact hours.

10. Petitioner gives July 1995 as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. 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.

3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of SHERRY NANCY PARROTT, Vocational Nurse License Number 70223, and Registered Nurse License Number 548198, to practice vocational and professional nursing in the State of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies 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 §211.01 et. seq. and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice vocational and professional nursing in the State of Texas

IT IS FURTHER AGREED and ORDERED that while Petitioner's licenses are encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice vocational or professional nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of vocational or professional nursing in the State of Texas. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course content shall include: 1) the role of the vocational or professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 80-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice vocational or professional nursing in the

State of Texas, which shall bear the appropriate notation. Said licenses issued to SHERRY NANCY PARROTT, shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL, within forty-five (45) days following the date of relicensure, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to TPAPN.

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

(8) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

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

IT IS FURTHER AGREED, SHOULD PETITIONER 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 Petitioner's licenses and multistate licensure privileges, if any, to practice vocational and professional nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice vocational and professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my licenses to practice vocational and professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my licenses to practice vocational and professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 29 day of December 2006.

Sherry Nancy Parrott

SHERRY NANCY PARROTT, Petitioner

Sworn to and subscribed before me this 29th day of December, 2006.

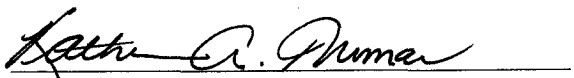
SEAL BILLIE WILLIAMS
Notary Public, State of Texas
My Commission Expires
March 29, 2007

Billie Williams

Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 29th day of December, 2006, by SHERRY NANCY PARROTT, Vocational Nurse License Number 70223, and Registered Nurse License Number 548198, and said Order is final.

Effective this 13th day of February, 2007.



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

00070223

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
VS.	*	
SHERRY S. PARROTT	*	COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 070223 held by SHERRY S. PARROTT, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas, in the following manner:

a. On or about August 28, 1995, Respondent submitted her vocational nursing license renewal form in which she checked "yes" to item #15, "Were you convicted of a Felony or Misdemeanor other than a minor traffic violation since your last renewal?".

b. On or about January 26, 1995, Respondent was convicted of the Misdemeanor offense: DRIVING WHILE INTOXICATED, under Cause No. 946629, in the County Court of Law No. 7 in Travis County, Texas. As a result of said conviction, Respondent was placed on two (2) years probation.

c. On or about April 17, 1995, Respondent was convicted of the Misdemeanor offense: THEFT, on the lesser included offense, under Cause No. 0946629, in the 331st Judicial District Court of Travis County, Texas. As a result of said conviction, Respondent was placed on two (2) years probation.

d. On or about October 11, 1995, an Order Revoking Probation was entered in Cause No. 946629. As a result of said Revocation Order, Respondent was sentenced to confinement for seventy-five (75) days in the Travis County Jail and her driver's license was suspended. Said Order was based upon violations of the previous order and a subsequent DWI.

e. On or about October 11, 1995, Respondent was convicted of the Misdemeanor offense: DRIVING WHILE INTOXICATED, under Cause No. 431812, in the County Court at Law No. 7 in Travis County, Texas. As a result of said conviction, Respondent was sentenced to confinement for seventy-five (75) days in the Travis County Jail and her driver's license was suspended.

f. On or about November 7, 1995, the Board of Vocational Nurse Examiners office received a letter from Respondent in which she acknowledged that she had a prescription drug abuse problem. Further, Respondent submitted supporting documentation referencing her continued efforts at rehabilitation.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED that license number 070223, heretofore issued to SHERRY S. PARROTT, to practice vocational nursing in the State of Texas be, and the same is hereby suspended, with said suspension stayed and placed on probation for a period of eighteen (18) months.

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.

2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulations of the Board.

3. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.

4. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

5. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. four (4).

6. That Respondent shall work only under the direct supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the work premises during Respondent's shift assignment(s), throughout the term of probation.

7. That Respondent shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.

8. That Respondent shall not be the only licensed medical professional in the facility throughout the term of probation.

9. That Respondent shall attend weekly meetings of a Chemical Dependency Support Group, and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

10. That Respondent shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Respondent's history, and it is incumbent upon Respondent to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.

11. That Respondent shall submit to random periodic blood alcohol and urine drug screen(s) upon demand of the Board staff throughout the term of probation. Respondent shall submit to a drug screening panel consisting of the following: Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Hydrocodone, Meperidine, Opiates, Propoxyphene, PCP, Morphine, Codeine, Methadone, and Methaqualone. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Respondent. The report of a positive drug screen shall be considered a violation of probation.

12. That Respondent shall provide the Board a telephone number by which Respondent may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Respondent must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulation No. 11. An inability to contact Respondent by telephone to request said required drug screens shall be considered a violation of probation.

13. That Respondent shall successfully complete nursing program course(s) encompassing the following areas of study: Legal Aspects of Nursing (to include Charting, & Patient Confidentiality), and submit documentation of successful course completion to the Board office within the first year of probation. Respondent shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s). Said course(s) shall be in-house at a community college, university or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Respondent. Failure to successfully complete said course(s) within the time-frame stipulated, shall be considered a violation of probation.

00070223

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 15th day of December, 1995.

Sherry Parrott
Signature of Respondent

4 Pillow Rd
Current Address

Austin Tx 78745
City, State and Zip

512, 892 1396
Area Code and Telephone Number

The State of Texas
County of Travis

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

SWORN TO AND SUBSCRIBED before me on this the 15th day of December, 1995.

Connie Yvonne Stentz
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 3/13/95

NOTARY PUBLIC STATE OF TEXAS
CONNIE YVONNE STENTZ
Notary Public State of Texas
My Commission Expires
MARCH 13 1999

Marjorie A. Brouk
Marjorie A. Brouk, R.N.
Agent for the Board of
Vocational Nurse Examiners

00070223

AGREED BOARD ORDER
RE: SHERRY S. PARROTT, LVN #070223
PAGE 6

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 19th day of December, 19 91.

Patricia Ann Cook
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

PATRICIA ANN COOK
MY COMMISSION EXPIRES
March 27, 1998

00070223

ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of Vocational Nurse
License No. 070223
Issued to Sherry S. Parrott

At its regularly called session, on the 12th day of March, 1996, came on to be considered the indicated Agreed Board Order pertaining to Sherry S. Parrott. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered on this the 12th day of March, 1996.

TEXAS BOARD OF VOCATIONAL NURSE EXAMINERS

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Permanent Certificate	§	
Number 548198 issued to	§	AGREED ORDER
SHERRY NANCY PARROTT	§	

An investigation by the Board produced evidence indicating that SHERRY NANCY PARROTT, hereinafter referred to as Respondent, may have violated Article 4525(b)(3),(8)&(9), Revised Civil Statutes of Texas, as amended.

An informal conference was held on June 25, 1996, at the office of the Board of Nurse Examiners, in accordance with Article 4524C, Revised Civil Statutes of Texas, as amended.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Nancy Boston, Board Member; Penny Puryear Burt, RN, J.D., General Counsel; Sharon L. Sanders, Assistant Attorney General; Anthony L. Diggs, Supervising Investigator; and Cynthia A. Smith, Investigator.

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, notice and hearing, and consented to the entry of this order.

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

4. Respondent received a Bachelor of Science in Nursing from the University of Texas, Austin, Texas in May 1988.

5. Respondent's professional employment history includes:

June 12, 1988 - May 1994	Staff Nurse Intensive Care Unit Seton Medical Center Austin, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse in the Intensive Care Unit (ICU) with Seton Medical Center, Austin, Texas and had been in this position for six (6) years.

7. On or about December 14, 1993, while employed at Seton Medical Center, Austin, Texas, Respondent accepted an assignment in ICU when her physical or mental condition may have prevented the delivery of safe nursing care in that she had slurred speech, droopy eyelids, unsteady gait and slow movements. Respondent's conduct was likely to injure patients in that her condition may have prevented her from recognizing the subtle signs, symptoms or rapid changes that may develop in ICU patients.

8. On or about April 19, 1994, while employed at the aforementioned facility, Respondent admitted that she engaged in the intemperate use of propoxyphene which she misappropriated from the facility. Respondent produced a specimen for a drug screen which tested positive for propoxyphene. The use of propoxyphene by a Registered Nurse, while subject to duty or call could impair a nurse's ability to recognize subtle signs, symptoms or changes in the patients' condition and could impair the nurse's ability to make rational, accurate and appropriate assessments, judgments and decisions regarding patient care, thereby placing the patient in potential danger.

9. On or about April 29, 1994, while employed at the aforementioned facility, Respondent produced a specimen for a drug screen which tested positive for propoxyphene. The use of propoxyphene by a Registered Nurse, while subject to duty or call could impair a nurse's ability to recognize subtle signs, symptoms or changes in the patients' condition and could impair the nurse's ability to make rational, accurate and appropriate assessments, judgments and decisions regarding patient care, thereby placing the patient in potential danger.

10. On or about May 19, 1994, while employed at the aforementioned facility, Respondent produced a specimen for a drug screen which tested positive for propoxyphene. The use of propoxyphene by a Registered Nurse, while subject to duty or call could impair a nurse's ability to recognize subtle signs, symptoms or changes in the patients' condition and could impair the nurse's ability to make rational, accurate and appropriate assessments, judgments and decisions regarding patient care, thereby placing the patient in potential danger.

11. On or about April 17, 1995, Respondent pled guilty to Theft, Class "A" Misdemeanor in the 331st Judicial District Court of Travis County. Respondent was given a probated sentence for this offense.

12. On or about October 11, 1995, Respondent's probation was revoked due to two DWI convictions: October 14, 1994 and February 2, 1995. Respondent was placed in Travis County Jail for 75 days and her driver's license was suspended for 1 year.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, 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 Article 4525(b)(3),(8)&(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(11).

4. The evidence received is sufficient cause pursuant to Article 4525(b), TEX. REV. CIV. STAT. ANN., to take disciplinary action against license number 548198, heretofore issued to SHERRY NANCY PARROTT.

5. Under Article 4525.1(c),Revised Civil Statutes of Texas, as amended, the Board has the authority to accept the voluntary surrender of a license.

6. Under Article 4525.1(d),Revised Civil Statutes of Texas, as amended, the Board may impose conditions for reinstatement of licensure.

AGREED SANCTIONS

IT IS THEREFORE AGREED, that the voluntary surrender of license number 548198, heretofore issued to SHERRY NANCY PARROTT to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to SHERRY NANCY PARROTT, to the office of the Board of Nurse Examiners.

2. RESPONDENT SHALL NOT practice professional nursing, use the title "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.

3. RESPONDENT SHALL NOT petition for reinstatement until five (5) years has elapsed from the date of this Order.

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

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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. By my signature on this order, I agree to the Findings of Fact, Conclusions of Law, Agreed Sanctions, and any conditions of this order to avoid further disciplinary action in this matter. I consent to the issuance of the Agreed Sanctions. I waive judicial review of this order. I understand that when the signed and notarized order is received in the office of the Board, the terms of this order become effective, and a copy will be mailed to me.

Signed this 16th day of September, 1996.

Sherry Nancy Parrott
SHERRY NANCY PARROTT

Sworn to and subscribed before me this 16th day of September, 1996.

SEAL

MARGARET M. BURROWS
Notary Public, State of Texas
My Commission Expires
NOV. 16, 1998

Margaret M. Burrows
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of nursing license #548198, previously issued to SHERRY NANCY PARROTT.

Effective this 30th day of September, 1996.

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

00070223

DOCKET NO. 511-97-1239

IN THE MATTER OF PERMANENT	§	BEFORE THE BOARD OF
	§	
LICENSE NUMBER 070223	§	VOCATIONAL NURSE
	§	
ISSUED TO	§	EXAMINERS IN AND FOR
	§	
SHERRY S. PARROTT	§	THE STATE OF TEXAS

ORDER OF THE BOARD

TO: Sherry S. Parrott
4 Pillow Road
Austin, Texas 78745

During open meeting at Austin, Texas, the Board of Vocational Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Vocational Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that License Number 070223, heretofore issued to Sherry S. Parrott, to practice vocational nursing in the State of Texas, be and the same is revoked.

00070223

Passed and approved at the regular meeting of the Board of Vocational Nurse Examiners in and for the State of Texas at Austin, Texas, on the 16th day of September, 1997.

2

00070223

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
VS.	*	
SHERRY S. PARROTT	*	COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Carolyn Hudson, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Carolyn Hudson, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against SHERRY S. PARROTT, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 070223, hereinafter called Respondent.

I.

a. On March 12, 1996, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which Respondent's license to practice Vocational Nursing in the State of Texas was suspended, with said suspension stayed and placed on probation for a period of eighteen (18) months.

b. Said Order stipulated, in part, that Respondent shall be responsible for causing her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis.

c. It was further stipulated that any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in the above stipulation regarding employer reports.

d. Said Order also stipulated, in part, that Respondent shall attend weekly meetings of a Chemical Dependency Support Group, and shall be responsible for causing her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation.

e. Said Order further stipulated that Respondent shall submit to random periodic blood alcohol and urine drug screen(s) upon demand of the Board staff throughout the term of probation.

f. Also, said Order stipulated that Respondent shall successfully complete nursing program course(s) encompassing the following areas of study: Legal Aspects of Nursing (to include Charting, & Patient Confidentiality), and submit documentation of successful course completion to the Board office within the first year of probation.

g. Furthermore, said Order stipulated that Respondent shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s).

h. Respondent has failed to cause her nursing employers to submit a quarterly report to the Board office on or before the due date of December 12, 1996.

i. Respondent has failed to cause her Chemical Dependency Support Group program sponsor to submit a quarterly report to the Board office on or before the due date of December 12, 1996.

j. On October 16, 1996, the Board office Probation Monitor telephoned Respondent to request a required blood alcohol and urine drug screen. Respondent has failed to submit to said required blood alcohol and urine drug screen.

k. Respondent has failed to obtain prior written approval to commit to said courses in order to complete the required nursing courses by said due date.

l. Respondent has violated the terms of her Agreed Board Order.

II.

Respondent has violated the Vocational Nurse Act or rule, regulation or order issued under the Act, contrary to Article 4528c, Section 10 (a) (1), Revised Civil Statutes of Texas.

III.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4528c, Revised Civil Statutes of Texas, 1951, as amended.

WHEREFORE, PREMISES CONSIDERED, I, Carolyn Hudson, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against SHERRY S. PARROTT, LVN #070223, in accordance with the provisions of the laws of the State of Texas.

Carolyn Hudson
AFFIANT

00070223

SUBSCRIBED AND SWORN TO BEFORE ME by the said Carolyn Hudson, on this the 18th day of April, 1997.

Kathleen A. Davis
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 18th day of April, 1997.

Marjorie A. Bronk, RN
Marjorie A. Bronk, RN
Executive Director
Board of Vocational Nurse Examiners

00070223

DOCKET NO. 511-97-1239

BOARD OF VOCATIONAL NURSE EXAMINERS	§	BEFORE THE STATE OFFICE
	§	
VS.	§	OF
	§	
SHERRY S. PARROTT, LVN #070223	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff of the Board of Vocational Nurse Examiners (Staff) sought to discipline a licensee for violating an Agreed Board Order. The Staff recommended revocation of the license. This proposal agrees with the Staff's recommendation.

I. JURISDICTION AND PROCEDURAL HISTORY

There are no contested issues of notice or jurisdiction in this proceeding. Therefore, these matters are set out in the proposed findings of fact and conclusions of law without further discussion here.

The hearing in this matter was held July 22, 1997, at the Hearings Facility of the State Office of Administrative Hearings, 1700 N. Congress, Suite 1100, Austin, Texas, with Administrative Law Judge Ann Landeros presiding. Lynn Bey-Roode, Assistant Attorney General, represented Staff. Sherry S. Parrott (Respondent) appeared pro se. The hearing concluded that same day.

II. DISCUSSION

A. Applicable Statutory Provisions.

Pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10(a)(1) of the Vocational Nurse Act (the Act), the Board may suspend or revoke the license of any practitioner of vocational nursing for violation of the Act, or of any Board rule, regulation or order. The sworn complaint against Respondent was filed with the Board in accordance with the Act.

B. Evidence.

1. Background

Respondent is a vocational nurse licensed by the State of Texas, and holds license number 070223. She also previously held a registered nurse's license. In 1994, after working at Seton Hospital in Austin, Texas for fourteen years, Respondent's problems with drugs and alcohol caused her to lose her job. Health problems, including a hysterectomy and depression, also interfered with Respondent's ability to cope during this period. From 1994 to 1996, Respondent

also had criminal problems, including hot checks charges and two driving while intoxicated convictions. Her failure to complete the Texas Peer Assistance Program for Nurses (TPAPN) contributed to the revocation of her registered nurse's license in 1996. On her license renewal application submitted to the Board in 1995, Respondent admitted her criminal convictions. Subsequently, she also disclosed to the Board that she had a drug problem. As a result of these disclosures, the Board placed Respondent on a probated suspension.

2. **The Agreed Board Order's Requirements**

On March 12, 1996, the Board endorsed an Agreed Board Order in which Respondent's license to practice vocational nursing in the State of Texas was suspended, the suspension was stayed, and Respondent was placed on probation for a period of eighteen months. The Agreed Order required Respondent:

1) to cause her nursing employer(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six months of probation and quarterly thereafter;

2) to document in writing any period of unemployment and submit that information to the Board each month for the first six months of probation and quarterly thereafter;

3) to obtain the Board's prior written approval and to successfully complete nursing program courses in the Legal Aspects of Nursing (including Charting and Patient Confidentiality) within the first year of probation;

4) to attend weekly meetings with a chemical dependency support group and have her program sponsor submit quarterly reports to the Board regarding Respondent's satisfactory participation; and

5) to submit to random periodic blood alcohol and urine drug screens upon demand of Board staff.

3. **The Employer's Reports**

Staff investigator Carolyn Hudson testified that Respondent failed to timely submit the employer report due December 12, 1996. Respondent testified she was unable to find employment for most of the probationary period. She explained her failure to submit an employer's report or report her unemployed status in December 1996 as a symptom of her ongoing depression.

4. **Drug Screens**

On October 16, 1996, Staff called Respondent to request she submit to a drug/alcohol screen on that day. The Board never received a report of the drug screen results. Respondent claimed to have submitted to the drug screen as requested. She believed the report of the drug screen was never sent to the Board because she was unable to pay for it.

5. **Support Group Report**

Respondent did not submit the chemical dependency group sponsor report due in December 1996 apparently because she no longer had a sponsor. She went to Alcoholics Anonymous meetings regularly until she was released from her criminal probation, after which she ceased attending the AA meetings. She does attend an unspecified form of counseling.

6. **Nursing Course**

Respondent had to obtain the Board's prior approval of and complete a course in the legal aspects of nursing prior to March 12, 1997. Respondent did not explain her failure to do so.

7. **Respondent's Position**

Respondent attributed her lack of compliance with the Board Order on her severely depressed condition during the recovery from addiction. She stated she is still depressed. She currently works at a fast food restaurant. At this time she does not know if her mental condition would permit her to handle a more demanding job. She admitted she still has problems with motivation. She emphasized a lack of willpower and a tendency to procrastinate as major symptoms of her ongoing depression. She does not know if she will ever return to nursing, but she knows she no longer has to try to be the "super-nurse" she once was. Despite her doubts about nursing as a suitable career in her present condition, Respondent requested she be given second chance and be allowed to keep her vocational nurse's license.

C. Analysis and Recommendation

Respondent's own candor revealed she is not mentally ready to resume her nursing career. She admitted to failing to comply with four conditions of the Agreed Board Order. If failing to file the required reports or complete the nursing course are symptomatic of her depression, there is no reason to believe she could handle the demands of nursing in her present condition. Respondent expressed doubts about her own psychological state with regard to her fitness to be a nurse. She described herself as being unable, over the course of several months, to find the willpower to simply mail a report to the Board. She admitted that she feels she is not up to a job more demanding than the one she presently has at the fast food restaurant. Nursing is often a demanding profession, both mentally and physically. Based on her familiarity with the pressures of nursing, Respondent evaluated her condition and found herself lacking the mental energy needed.

Respondent's decision to quit attending a chemical dependency support group showed poor judgment. Even if she truly no longer needed such support with her addiction, she still knew that attendance was required by the Agreed Board Order. Respondent did not explain why she chose to ignore this probation requirement. While Respondent's poverty may have made the drug screen result unavailable, her failure to report this financial impediment to Staff seemed to be yet another instance example of Respondent procrastinating rather than attempting to deal with her problems.

The Board has an obligation to protect the public. After learning of Respondent's criminal conviction and chemical dependency problem, the Board sought to to protect the public by monitoring Respondent's activities. Respondent was unable to comply with the Board's probationary requirements. Her inability to comply stemmed from a mental problem that sometimes leaves Respondent unable to act. This inertia could endanger the public should Respondent resume nursing. Based on her failure to comply with the Agreed Board Order and her own admitted lack of self-confidence in her ability to be a nurse at this time, Respondent's vocational nurse's license should be revoked.

II. PROPOSED FINDINGS OF FACT

1. Sherry S. Parrott (Respondent), a vocational nurse licensed by the State of Texas, holds license number 070223.

2. A sworn complaint against Respondent was filed with the Board of Vocational Nurse Examiners (the Board) on April 18, 1997.

3. A copy of the complaint and notice of the hearing was sent to Respondent at her record address by certified mail on June 20, 1997.

4. The complaint and notice of hearing included the information and language required by TEX. GOV'T CODE ANN. §§ 2001.052 and 2001.054 and 22 TEX. ADMIN. CODE (TAC) §§ 239.30 and 239.31.

5. Respondent appeared pro se at the hearing held July 22, 1997.

6. On March 12, 1996, the Board endorsed an Agreed Board Order in which Respondent's license to practice vocational nursing in the State of Texas was suspended, the suspension was stayed, and Respondent was placed on probation for a period of eighteen months.

7. Under the Agreed Board Order, Respondent was required to successfully complete a nursing program course encompassing Legal Aspects of Nursing (to include Charting and Patient Confidentiality) and submit documentation of successful course completion to the Board office prior to the end of her probation. The course had to be approved in advance by the Board.

8. Respondent failed to obtain Board approval for the required Legal Aspects of Nursing course or to complete the course.

9. Under the Agreed Board Order, Respondent was required to have her nursing employer submit satisfactory reports directly to the Board on a monthly basis for the first six months of her probation, and to submit the reports on a quarterly basis for the last twelve months of her probation. Respondent had to document any periods of unemployment.

10. Respondent failed to cause her nursing employer to submit to the Board either the employer's report or a statement of unemployment by the due date of December 12, 1996

11. Under the Agreed Board Order, Respondent was to submit to random blood alcohol and urine drug screens upon Staff's request and to provide the Board with the report of the screen results.

12. After Staff requested a drug screen on October 16, 1996, Respondent failed to provide the Board with the results of the drug screen.

13. Under the Agreed Board Order, Respondent was to attend meetings of a chemical dependency support group regularly and have her group sponsor submit quarterly reports to the Board.

14. Respondent failed to have her chemical dependency group sponsor submit the quarterly report due December 12, 1996.

15. Respondent suffers from depression that undermines her willpower and causes her to procrastinate, especially regarding problems.

16. Respondent's mental condition has robbed her of the mental energy needed to handle a high stress job, such as vocational nursing.

III. PROPOSED CONCLUSIONS OF LAW

1. The Board of Vocational Nurse Examiners has jurisdiction over this matter pursuant to §10 of the Vocational Nurse Act (the Act), TEX. REV. CIV. STAT. ANN. art. 4528c.

2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. ch. 2003.

3. Proper and timely notice of the hearing was effected on Respondent pursuant to TEX. GOV'T CODE ANN. ch. 2001 and 22 TEX. ADMIN. CODE (TAC) §239.23.

4. The Board has authority to take disciplinary action against its licensees, including the suspension or revocation of licenses, under §10(a) of the Act.

5. Respondent has violated a Board Order, in violation of §10(a)(1) of the Act.

6. Respondent's license should be revoked, pursuant to §10(a) of the Act.

SIGNED this 11 day of August, 1997.

ANN LANDEROS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS