



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 R. Thomas
Executive Director of the Board

DOCKET NUMBER 507-11-6588

**IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 120339
ISSUED TO
GLENDA SUE DUNN**

§
§
§
§
§

**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

OPINION AND ORDER OF THE BOARD

**TO: GLENDA SUE DUNN
P.O. BOX 7633
LONGVIEW, TX 75607**

**JOANNE SUMMERHAYS
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701**

At the regularly scheduled public meeting on October 27-28, 2011, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt the PFD regarding the vocational nursing license of Glenda Sue Dunn without changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board, after review and due consideration of the PFD, Staff's recommendations, and Respondent's presentation during the open meeting, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 120339, previously issued to GLENDA SUE DUNN, to practice 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 multi-state privileges, if any, to practice nursing in the State of Texas.

Entered this 28th day of October, 2011.

TEXAS BOARD OF NURSING

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", written over a horizontal line.

KATHERINE A. THOMAS, MN, RN

EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-11-6588 (August 30, 2011).

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

August 30, 2011

Katherine A. Thomas, M.N., R.N.
Executive Director
Texas Board of Nursing
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

VIA INTER-AGENCY

**RE: Docket No. 507-11-6588; In the Matter of the Permanent Certificate
Number 120339 Issued to Glenda Sue Dunn**

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,

A handwritten signature in cursive script that reads "Joanne Summerhays".

Joanne Summerhays
Administrative Law Judge

JS/lfg
Enclosures

XC: John F. Legris, Assistant General Counsel, Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 – **VIA INTER-AGENCY**
Dina Flores, Legal Assistant, Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 – with 1 CD; Certified Evidentiary Record – **VIA INTER-AGENCY**
Glenda Sue Dunn, PO Box 7633, Longview, TX 75607-**VIA REGULAR MAIL**

SOAH DOCKET NO. 507-11-6588

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
	§	
THE PERMANENT CERTIFICATE	§	
	§	OF
NUMBER 120339 ISSUED TO	§	
	§	
GLEND A SUE DUNN	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

This matter was scheduled for hearing at 9:00 a.m. on August 29, 2011 at the request of the Texas Board of Nursing (Board/ Staff). Despite being sent proper notice, Glenda Sue Dunn (Respondent) did not appear and was not represented at the hearing. For the reasons set out in the Findings of Fact and Conclusions of Law, the Administrative Law Judge finds that the relief requested by the Board should be granted on a default basis.

FINDINGS OF FACT

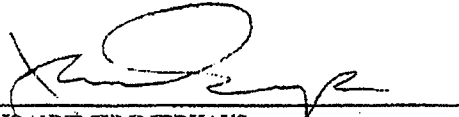
1. Notice of the hearing was mailed to Respondent at Respondent's address of record at least ten days prior to the scheduled hearing.
2. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
3. The notice of hearing contained a statement in at least 12-point, boldface type that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against a party that failed to appear at the hearing.
4. The hearing was held and the record closed on August 29, 2011.
5. Respondent did not appear at the scheduled hearing and was not represented at the hearing.
6. Staff moved for a default, which was granted.

7. The factual allegations set out in the notice of hearing are deemed admitted and are incorporated by reference into this Finding of Fact.

CONCLUSIONS OF LAW

1. 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 findings of fact and conclusions of law. TEX. GOV'T CODE ch. 2003.
2. The Texas Board of Nursing (Board) has jurisdiction over this matter.
3. Proper and timely notice was provided to Respondent in accordance with TEX. GOV'T CODE ch. 2001 and 1 TEX. ADMIN. CODE ch. 155.
4. The allegations in the notice of hearing were properly deemed admitted. 1 TEX. ADMIN. CODE § 155.501.
5. Staff has established the basis for revocation of Respondent's license as alleged in the notice of hearing, which is incorporated into this Conclusion of Law. 22 TEX. ADMIN. CODE § 213.33(m).
6. The Board is entitled to revoke Respondent's license.

SIGNED August 30, 2011.



JOANNE SUMMERHAYS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS BOARD OF NURSING

In the Matter of Permanent

Certificate Number 120339

Issued to GLENDA SUE DUNN

NOTICE OF HEARING

SOAH Docket No. 507-11-6588

Respondent: Glenda Sue Dunn
PO Box 7633
Longview, TX 75607

In accordance with Section 2001.051 et seq., Texas Government Code, you are hereby notified that a hearing will be held before an Administrative Law Judge (ALJ), beginning on the **Twenty-Ninth (29th) day of August, 2011, at 9 a.m.**, at the **State Office of Administrative Hearings, William P. Clements Building, 300 West 15th Street, 4th Floor, Austin, Texas, 78701**, regarding Formal Charges previously filed and served upon you by the Texas Board of Nursing. The Formal Charges are attached and incorporated by reference as a part of this notice.

The hearing is to be held under the legal authority and jurisdiction of the Administrative Procedures Act, Texas Government Code §2001 et seq.; Title I Part VII Texas Administrative Code Chapter 155; the Nursing Practice Act, Texas Occupations Code §301.451 through §301.555; and the Board of Nursing Rule 213 at 22 Texas Administrative Code.

The particular sections of statutes and rules involved in determining the charges are stated in the attached formal charges in connection to the facts or conduct alleged.

Pursuant to 22 TEX. ADMIN. CODE §213.22, you are required to enter an appearance in this proceeding by filing a written answer or other responsive pleading with the State Office of Administrative Hearings, P.O. Box 13025, Austin, Texas, 78711-3025, with a copy to the staff (General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701). **FAILURE TO ENTER AN APPEARANCE BY FILING A WRITTEN ANSWER OR OTHER RESPONSIVE PLEADING TO THE FORMAL CHARGES WITHIN TWENTY (20) DAYS OF THE DATE THIS NOTICE WAS MAILED, SHALL ENTITLE THE STAFF TO A CONTINUANCE AT THE TIME OF THE HEARING.** "Staff" is defined by 22 TEX. ADMIN. CODE §213.1(41). Continuances are set by the Administrative Law Judge.

SOAH Docket No. 507-11-6588, *Glenda Sue Dunn*

June 16, 2011

Page 2 of 2

You have the right to appear at this hearing and to have legal representation at the hearing at your own expense. **FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE, AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.**

If it is determined that the Formal Charges are substantiated, then any prior disciplinary action that has been taken against your license will be considered when determining the appropriate sanction for these violation(s).

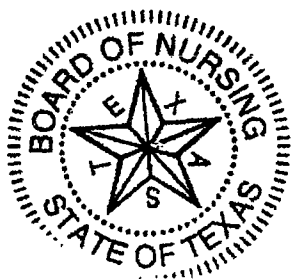
Issued, dated, and mailed this, the 16th day of June, 2011.

TEXAS BOARD OF NURSING



By: _____

Katherine A. Thomas, MN, RN
Executive Director



In the Matter of Permanent License § BEFORE THE TEXAS
Number 120339, Issued to §
GLENDA SUE DUNN, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, GLENDA SUE DUNN, is a Vocational Nurse holding license number 120339, 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 August 30, 2007, while employed as a Licensed Vocational Nurse with Gregg Home for the Aged, Kilgore, Texas, Respondent verbally abused Resident T.A., in that she made her cry when she told her to get up off the floor after she had fallen out of her chair, even though Resident T.A. was unable to get up by herself. Respondent's conduct was likely to injure the resident in that it exposed the resident unnecessarily to a risk of experiencing emotional and/or psychological harm.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(6)(C)&(F).

CHARGE II.

On or about August 2007, while employed as a Licensed Vocational Nurse with Gregg Home for the Aged, Kilgore, Texas, Respondent forced Resident J.H. to take medication by putting her hands on the resident's shoulders to keep him down, while she spooned medication into his mouth. Respondent's conduct was likely to cause emotional and/or physical harm to the resident.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(6)(C)&(F).

CHARGE III.

On or about August 2007 or September 2007, while employed as a Licensed Vocational Nurse with Gregg Home for the Aged, Kilgore, Texas, Respondent used threats of discharge and intimidation while refusing to give Resident B.O. her pain medication. Additionally, Respondent told the resident that she would call her doctor to have her discharged because she was a drug addict and that she would call the police to have her room searched for drugs. Respondent's conduct was likely to injure the resident in that her threatening behavior exposed the resident to emotional abuse.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(6)(C)&(F).

CHARGE IV.

On or about June 27, 2008, Respondent failed to comply with the Reinstatement Agreed Order issued to her by the Board of Nurse Examiners for the State of Texas on October 19, 2006.

Specifically, Respondent failed to complete Stipulation Number Five (5) and Number Six (6) of the Order that read:

(5) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence.

(6) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing ethics.

A copy of the October 19, 2006, Reinstatement Agreed Order, Findings of Fact and Conclusions of Law is attached and incorporated as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).

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 Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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.

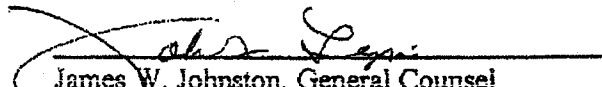
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct which can be found at the Board's website, www.bon.state.tx.us.

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 Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Orders dated September 16, 1997 and October 19, 2006.

Filed this 14th day of April, 2011.

TEXAS BOARD OF NURSING


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

Jena 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: Order of the Board dated September 16, 1997 and October 19, 2006.

D/2010.12.28

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse	§	REINSTATEMENT
License Number 120339	§	AGREED ORDER
issued to GLENDA SUE DUNN	§	

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 120339, held by GLENDA SUE DUNN, hereinafter referred to as Petitioner.

An informal conference was held on June 23, 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; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Carol Pepper, Legal Assistant; Kevin Freemyer, Investigator, and Carolyn Hudson, 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 Kilgore College, Longview, Texas, on August 28, 1987. Petitioner was originally licensed to practice vocational nursing in the State of Texas on May 26, 1988.

4. Petitioner's vocational nursing employment history includes:

8/87 - 6/96	GVN/LVN	Highland Pines Nursing Home Longview, Texas
7/96 - 6/97	LVN	Longview Regional Hospital Longview, Texas
7/97 - present	Not employed in nursing	

5. On September 16, 1997, Petitioner's license to practice vocational nursing in the State of Texas was revoked by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the September 16, 1997, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as a part of this Order.
6. On March 3, 2006, Petitioner submitted a Petition for Reinstatement of her license to practice vocational nursing in the State of Texas.
7. Petitioner presented the following in support of her petition:
- 7.1. Letter of support, dated September 25, 2005, written by Bridget Mumphrey, LVN, states that Petitioner is a hard worker on the job and in the church. Ms. Mumphrey states that Petitioner is a true leader.
 - 7.2. Letter of support, dated September 25, 2005, written by Audrey Carter, states that she has known Petitioner for forty (40) years and she is familiar with her work ethic and personal practices. Petitioner is an energetic and hard working person. She handles her responsibilities with courtesy and professionalism. Ms. Carter states that Petitioner has an excellent work ethic and a good attitude.
 - 7.3. Letter of support, written by George Shankle, states that he has known Petitioner all of her life, and she is hard working and works well with people. She is honest, loyal, and competent. Mr. Shankle recommends reinstatement of Petitioner's nursing license.
 - 7.4. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.
3. 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 GLENDA SUE DUNN, license number 120339, to practice vocational 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 nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is 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 nursing from the Board.

(2) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of vocational 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 and scope of the vocational nurse; 2) a review of the nursing process to include focused assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard routes of administration; 5) documentation, ethical and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum of the clinical components as stated on the Board's website at www.bne.state.tx.us ("Forms" section: LVN-Six Month Temporary Permit), and provide direct patient care, which is to be supervised by another nurse. Upon receipt of verification that PETITIONER has enrolled in a nursing refresher course, the PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing the course. PETITIONER SHALL NOT, in any way, attempt to use this limited permit for any purpose other than attending this course.

(3) 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.

(4) 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 nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to GLENDA SUE DUNN, shall be subject to the following agreed post-licensure stipulations:

(5) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include vocational nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER 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 PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(6) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing ethics. PETITIONER 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) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. PETITIONER SHALL CAUSE the sponsoring institution to submit a

Verification of Course Completion form, provided by the Board, to verify PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A VOCATIONAL NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(7) PETITIONER SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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.

(8) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(9) For the first year of employment as a Licensed Vocational Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse or a Licensed Vocational Nurse. Direct supervision requires another professional or vocational nurse to be working on the same unit

as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) For the remainder of the stipulation period, PETITIONER 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 PETITIONER, 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 Petitioner is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(11) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to PETITIONER's capability to practice for vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) year(s) of employment as a vocational nurse.

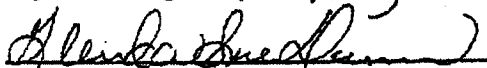
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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 license to practice vocational nursing in the state of Texas. 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 30 day of Aug, 2006.


GLENDASUE DUNN, Petitioner

Sworn to and subscribed before me this 30 day of Aug, 2006.


SEAL


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 30th day of August, 2006, by GLENDA SUE DUNN, Vocational Nurse license number 120339, and said Order is final.

Effective this 19th day of October, 2006.


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

State Office of Administrative Hearings



Shelia Bailey Taylor
Chief Administrative Law Judge

August 20, 1997

Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners
333 Guadalupe, Tower III, Suite 400
Austin, Texas 78701

HAND DELIVERY

RE: Docket No. 511-97-1223; Board of Vocational Nurse Examiners
vs Glenda Sue Dunn, LVN #120339

Dear Ms. Bronk:

Enclosed please find a Proposal for Decision and a proposed Order of the Board in the above-referenced cause for the consideration of the Board of Vocational Nurse Examiners. Copies of the Proposal and proposed Order are being sent to Lynn Bay-Roode, Agency Attorney, and to Glenda Sue Dunn. For reasons discussed in the Proposal, I have recommended that the license be revoked.

Pursuant to the Administrative Procedure Act, each party has the right to file exceptions to the Proposal, accompanied by supporting briefs. Exceptions, replies to the exceptions, and supporting briefs must be filed with the Board according to the agency's rules, with a copy to the State Office of Administrative Hearings. A party filing exceptions, replies, and briefs must serve a copy on the other party hereto.

Sincerely,


Ann Landeros
Administrative Law Judge

AL/dc

Enclosures

cc: Rommel Corro, Docket Clerk, State Office of Administrative Hearings - HAND DELIVERY
Lynn Bay-Roode, Staff Attorney, Office of the Attorney General, 300 West 15th Street, 7th Floor,
Austin, Tx - HAND DELIVERY
Glenda Sue Dunn, 211 West Gates, Longview, Texas 75602 - CERTIFIED MAIL NO.P.498.731
282. RETURN RECEIPT REQUESTED

William P. Clements Building
Post Office Box 13025 ♦ 300 West 15th Street, Suite 502 ♦ Austin Texas 78711-3025
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DOCKET NO. 511-97-1223

BOARD OF VOCATIONAL
NURSE EXAMINERS

VS.

GLEND A SUE DUNN,
LVN #120339

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff of the Board of Vocational Nurse Examiners (Staff) sought to discipline a licensee for misappropriating the property of a patient. 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 21, 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. Glenda Sue Dunn (Respondent) appeared pro se. The hearing concluded that same day.

II. DISCUSSION

A. Applicable Statutory Provisions.

Pursuant to §10(a)(1) of the Vocational Nurse Act (Act), TEX. REV. CIV. STAT. ANN. art. 4528c, 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 §10(d) of the Act.

B. Evidence.

1. Respondent Used A Patient's Check as Collateral

Respondent is a vocational nurse licensed by the State of Texas, and holds license number 120339. From August 1987 through August 1995, Respondent was employed as a vocational nurse at the Highland Pine Nursing Center (HPNC) in Longview, Texas. In August 1995, Respondent resigned from HPNC. Prior to her resignation, Respondent had been investigated by

the HPNC administration regarding her role in passing of a personal check taken from Ann Bruner, a HPNC resident. Respondent was suspended without pay during the investigation. Although the check's signature proved to be forged, no criminal charges were filed.

In March 1995, Respondent's Lincoln automobile was taken to Arden's Garage for repairs. Garage owner Steve Arden testified that Respondent gave him a check written on Ann Bruner's account in the amount of \$640.00 dollars. Although he knew Respondent worked at HPNC, he did not know Mrs. Bruner was a HPNC resident because the check had her home address on it. Respondent explained that Mrs. Bruner was someone she took care of and asked him not to cash the check, but to hold it as collateral. Because someone in HPNC administration had guaranteed repairs on Respondent's car the previous year, Mr. Arden agreed to this arrangement, and released the repaired vehicle to Respondent. She promised to pay the bill the following week. Respondent returned the following week and paid him \$300.00 dollars cash, leaving a \$304.00 dollar balance. She promised to pay the balance soon.

Over the next several weeks, Respondent and Mr. Arden spoke on various occasions about the balance. Mr. Arden continued to hold the check. Respondent told him her son's illness prevented her from paying the bill. After a few weeks, Respondent told Mr. Arden her son had died. Wishing to send flowers, Mr. Arden's spouse called HPNC to inquire about funeral arrangements and was told no one knew anything about a death in Respondent's family.

On June 2, 1996, Mr. Arden decided to cash the check. Since the bank upon which Mrs. Bruner's check was written was also Mr. Arden's bank, he asked that the amount owed him, three hundred and four dollars, be deposited in his account and the balance of the proceeds be deposited in Mrs. Bruner's account. Mr. Arden sent a note to Mrs. Bruner explaining why he had cashed the check and that the balance had been deposited to her account. After the forgery was discovered, the bank debited his account for three hundred and four dollars. Mr. Arden has never recovered the balance owed him on Respondent's car repair.

All the handwritten words on the check were in the same handwriting. The handwriting on the check did not match Mrs. Bruner's handwriting. The notation at the bottom of the check read: "Loan for car." While helping her mother in May 1995, Ruby Usery discovered the returned forged check and reported the forgery to HPNC management. Mrs. Bruner testified that she neither gave nor lent Respondent any money to pay for Respondent's car repair. She did not give any funds directly to Arden's garage to pay for the repairs. Respondent never asked Mrs. Bruner for a loan nor did she inquire about Mrs. Bruner's checkbook.

When asked by HPNC's assistant administrator Bonnie DeShazo about the check, Respondent stated Mrs. Bruner had given her the check. Respondent admitted to Ms. DeShazo that she used the check as collateral at Arden's garage, but denied ever intending to negotiate the check.

2. Respondent's Conspiracy Theory Lacked Plausibility

In her defense, Respondent presented her uncorroborated testimony that her former employer orchestrated an elaborate conspiracy, involving several people and impersonations or misidentifications of people and property, which resulted in the forgery accusation against her. As proof that no crime took place, she emphasized the lack of a police report, a criminal charge, or a handwriting analysis. Respondent failed to present plausible evidence to support her theory of the case.

According to Respondent, as retaliation for her cooperation with state investigators looking into misdeeds at HPNC, her former employer conspired with various employees and Steve Arden to frame her for passing the forged check. Respondent told the state investigators that she had refused to rewrite nurse's notes or forge patient records as requested by her HPNC supervisors who were trying to cover up mistakes. She claimed her whistleblower activities resulted in the state fining and threatening to close HPNC in early 1995. Respondent claimed after her cooperation with the state became known, her supervisors began reprimanding her without justification. Although Respondent at first implied she had received no reprimands prior to the whistleblower activities, she admitted to reprimands in 1991, 1992, and 1993 when confronted with her employment records. Bonnie DeShazo corroborated Respondent's testimony as to HPNC's problems with the state. However, there was no credible evidence to support Respondent's theory that HPNC management conspired to have her falsely accused of using Mrs. Bruner's check as collateral.

HPNC management had a liberal policy regarding making loans to employees in the form of salary advances. Respondent claimed to have gotten such loans in the past. She had been allowed to use a company vehicle to travel to and from work. In 1994, she got tired of driving the company car, and asked that HPNC pay to have her personal car, the Lincoln, repaired. She admitted that Arden's Garage repaired her Lincoln in 1994. Later in 1994, Respondent got another vehicle. After first implying she no longer possessed the Lincoln in March 1995, on closer questioning Respondent admitted that in 1995 she still owned, but no longer drove, the Lincoln. She claimed the Lincoln remained parked in her yard during March 1995, either because it was not street-legal or not operable. Respondent denied taking the Lincoln to Arden's garage in March 1995. She implied that Steve Arden mistook someone else for her and misidentified her vehicle.

Respondent argued that she had no reason to take Mrs. Bruner's check because HPNC's owner, the person whom she accused of organizing the conspiracy against her, would loan her money at any time. She also accused various HPNC employees of participating in the conspiracy, including one person who had written a good character reference for her. She implied the employees had access to Mrs. Bruner's checks because, at an unspecified time, she had seen these employees running in and out of Mrs. Bruner's room. She believed Steve Arden willingly conspired against her because he was a distant relative of HPNC's owner.

Respondent emphasized that no police report had been made or criminal charges filed. She equated lack of a police report with lack of wrongdoing, reasoning that without a police report, the forgery could not be proven. She pointed out that no handwriting analysis had been done on the forgery. HPNC and Mrs. Bruner believed that only Arden's garage had standing to file criminal charges. Steve Arden testified his family decided not to pursue the matter criminally because the amount of money was relatively small, because he had exercised poor judgment in accepting the check at all, and because they feared retaliation. During the investigation, Respondent called Mr. Arden and made statements regarding her sister's involvement with a "gang" that might result in harm to him. Mr. Arden interpreted these statements as threats of harm.

3. Respondent's Misconduct Was Established by a Preponderance of the Evidence

The evidence established that Respondent gave Mrs. Bruner's check, without Mrs. Bruner's permission or knowledge, as collateral for repairs on Respondent's car. Steve Arden identified Respondent as the person who gave him the check. Respondent admitted to having her car repaired at Arden's Garage in 1994, which supports Mr. Arden's claim he recognized Respondent and her vehicle in March 1995. His familiarity with Respondent and her vehicle undermine Respondent theory that Mr. Arden was duped by someone impersonating Respondent. As to Respondent's alternate theory that Mr. Arden was part of the conspiracy, she did not explain why a conspirator would wait two months to cash the check, deposit half the proceeds back into Mrs. Bruner's account, and write Mrs. Bruner a note explaining why he cashed the check.

Respondent argued HPNC's owner, who would give her salary advances, concocted the conspiracy to have her wrongfully identified as the person who left Mrs. Bruner's check at Arden's garage. A conspirator would have had to gain access to Mrs. Bruner's checkbook, find someone to impersonate Respondent, obtain a 1988 Lincoln, take that vehicle to Arden's garage, convince Steve Arden to take the check, pay him three hundred dollars cash, then communicate regularly with Mr. Arden over the course of two months until Arden cashed the check. Mr. Arden was a credible witness. His testimony was corroborated by documentary evidence in the form of Mrs. Bruner's check, the bank deposit slip, and his explanatory note to Mrs. Bruner. Respondent's conspiracy theory was not supported by credible evidence.

While Respondent may be correct in her belief that HPNC management wished to retaliate against her, there is no credible evidence that HPNC used the check forgery to do so. Respondent was the obvious culprit in the misappropriation of the check. She had access to Mrs. Bruner's checkbook and a need to use one of the checks to have her car repaired. Respondent's contradictory arguments about the willingness of HPNC's owner to lend her money and conspire against her indicate Respondent is willing to say anything to avoid blame. Staff's evidence proved by a preponderance of the evidence that Respondent misappropriated a patient's property. To do so, Respondent violated the trust placed in her by her employer and the patient. The Administrative Law Judge agrees with Staff's recommendation that Respondent's license be revoked.

00120339

BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

GLEND A SUE DUNN

COUNTY OF TRAVIS

COMPLAINT

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

As an Investigator for the Board of Vocational Nurse Examiners, I, Kirby W. Hattox, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against GLEND A SUE DUNN, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 120339, hereinafter called Respondent.

I.

a. Respondent was employed as a licensed vocational nurse at Highland Pines Nursing Home in Longview, Texas from about August 25, 1987 through about June 15, 1995.

b. While so employed at said facility, on or about April 3, 1995, Respondent misappropriated two personal checks from resident A.B.

c. While so employed at said facility, on or about April 3, 1995, Respondent forged the signature of resident A.B. on one of said checks and left it as collateral for a personal auto repair bill. Respondent failed to pay the bill and said check was subsequently cashed by the repair facility.

COMPLAINT
RE: GLENDA SUE DUNN, LVN #120339
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II.

The foregoing acts constitute 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 and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:

(1) misappropriating supplies, equipment, or medications or personal items of the patient/client, employer, or any other person or entity;

(27) failing to conform to the minimal standards of acceptable prevailing practices, regardless of whether or not actual injury to any person was sustained.

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, Kirby W. Hattox, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against GLENDA SUE DUNN, LVN #120339, in accordance with the provisions of the laws of the State of Texas.


AFFILIANT

COMPLAINT

RE: GLENDA SUE DUNN, LVN #120339

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SUBSCRIBED AND SWORN TO BEFORE ME by the said Kirby W. Hattox, on this the 18th
day of April 1997.

Kirby W. Hattox
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. Brock, R.N.
Marjorie A. Brock, R.N.
Executive Director
Board of Vocational Nurse Examiners

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DOCKET NO. 511-97-1223

IN THE MATTER OF PERMANENT § BEFORE THE BOARD OF
LICENSE NUMBER 120339 §
ISSUED TO § VOCATIONAL NURSE
GLEND A SUE DUNN § EXAMINERS IN AND FOR
 § THE STATE OF TEXAS

ORDER OF THE BOARD

TO: Glenda Sue Dunn
211 West Gates
Longview, Texas 75602

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 120339, heretofore issued to Glenda Sue Dunn, to practice vocational nursing in the State of Texas, be and the same is revoked.

00120739

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.

Oleivia Ruiss

Janet Wood - Jany W

Paul M. Robinson

W. W. W.

William K. Brown

Melba Lee (Kemp) W. W.

James A. [unclear]

Betty Jones

Ann - McClean

Karen + [unclear]

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BOARD ORDER
RE: GLENDA SUE DUNN, LVN #120339
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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 1999,
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

Glenda Sue Dunn
211 West Gates
Longview, TX 75602

Marjorie A. Brock
Marjorie A. Brock, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners