



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 588513 and	§	
Vocational Nurse	§	
License Number 112548	§	
issued to EMMA JO BERRY	§	ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 588513 and Vocational Nurse License Number 112548, issued to EMMA JO BERRY, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(e), Texas Occupations Code.

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

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas and holds a license to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Sulphur Springs School of Vocational Nursing, Sulphur Springs, Texas, on August 9, 1985 and an Associate Degree in Nursing from Excelsior College, Albany, New York, on August 16, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on December 4, 1985 and was licensed to practice professional nursing in the State of Texas on March 23, 1993.

5. Respondent's nursing employment history includes:

09/1985 - 02/1993	Staff LVN	Presbyterian Hospital of Greenville Greenville, Texas
03/1993 - 12/1997	Staff RN	Presbyterian Hospital of Greenville Greenville, Texas
01/1998		Unknown
02/1998 - 05/2002	Staff RN	Harrison House Assisted Living Greenville, Texas
06/1998 - 01/2009	CNA Instructor	Paris Junior College Greenville, Texas
03/2002 - 10/2008	Staff RN	Hopkins County Memorial Hospital Sulphur Springs, Texas
11/2008 - unknown	Float RN	At Home Healthcare Sulphur Springs, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Hopkins County Memorial Hospital, Sulphur Springs, Texas, and had been in this position for five (5) years and seven (7) months.
7. On or about October 10, 2007, while employed as a Staff Nurse with Hopkins County Memorial Hospital, Sulphur Springs, Texas, Respondent administered Morphine via a Patient Controlled Administration pump, without an order, to post operative Patient Medical Record Number 782616. Respondent's conduct was likely to injure the patient from possible adverse reactions from the administration of medications without the benefit of a physician's expertise or order.
8. On or about October 27, 2007, while employed as a Staff Nurse with Hopkins County Memorial Hospital, Sulphur Springs, Texas, Respondent failed to transcribe a medication order for Protonix to the Electronic Medication Administration Record (eMAR) of Patient Medical Record Number 902143 resulting in three (3) missed doses. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment, including increased pain and discomfort from untreated gastroesophageal reflux disease.

9. On or about November 14, 2007, while employed with Hopkins County Memorial Hospital, Sulphur Springs, Texas, Respondent failed to transcribe a medication order for Levaquin, an antibiotic, and Lantus insulin to the electronic Medical Administration Record resulting in a near miss error for Patient M.R. Respondent's conduct exposed the patient unnecessarily to the risk of untreated infection and untreated diabetes which could have resulted in non-
efficacious treatment.
10. On or about September 15, 2008 while employed with Hopkins County Memorial Hospital, Sulphur Springs, Texas, Respondent failed to notify the physician of a change in condition of a seven (7) month old surgical Patient Medical Record Number 9023213, with a history of premature birth, hypertension and gastroesophageal reflux disease, when the patient developed a blood pressure of 121/100 and had a temperature of 94.7 degrees. Respondent failed to reassess the patient, failed to document interventions and the patient's response to the interventions. Respondent's conduct exposed the patient unnecessarily to a risk of harm from medical complication and a delay of intervention in that the physician did not have complete information on which to base his care.
11. In response to Finding of Fact Numbers Seven (7) through Ten (10):
Regarding administering Morphine to Patient Medical Record Number 782616, without a physician's order, Respondent states that she could not remember the incident because she had not been able to review the records. "I do not routinely connect a Patient Controlled Analgesia pump post op without looking at the new orders, as they are usually discarded as soon as the patient leaves for the Operating Room."

Regarding failure to transcribe an order for Protonix to the electronic Medical Administration Record of Patient Medical Record Number 902143, Respondent states that the next shift RN stated that the Protonix was on the electronic Medical Administration Record when she reviewed it. Peer Review members agreed "that medication on the electronic Medical Administration Record disappear regularly, and is one of the glitches of that system."

Regarding failure to transcribe medication orders for Levaquin, an antibiotic, and Lantus insulin to the electronic Medical Administration Record, Respondent states she accepted responsibility for the "near miss error", was "glad that it was caught and that the patient didn't suffer any repercussions."

Regarding Patient Medical Record Number 9023213 and failure to notify the physician, reassess and document interventions and response to interventions Respondent states that "I most certainly would have notified the physician regarding her blood pressure, had that not been the reason for her hospitalization." The patient's hypertension medication was being administered at that time. The patient was kicking and crying as she was obtaining the vital signs. The patient's mother stated that her daughter's blood pressure goes up when she cries. She was using a new automatic BP machine which was difficult to figure out how to use. One hour after administration of the medication the patient's BP was 97/78. The patient's room was cool, she turned up the temperature and covered the patient with a blanket. One hour later the patient's axillary temperature was 97.7 degrees.

12. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(C),(1)(D), (1)(M)&(3)(A), and 217.12(1)(A),(1)(B),(1)(C)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 588513 AND Vocational Nurse License Number 112548, heretofore issued to EMMA JO BERRY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 588513 and Vocational Nurse License Number 112548, heretofore issued to EMMA JO BERRY, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/vocational nursing, use the titles "registered nurse/vocational nurse" or the abbreviations "RN"/"LVN" or wear any insignia identifying herself as a registered nurse/vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse/vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

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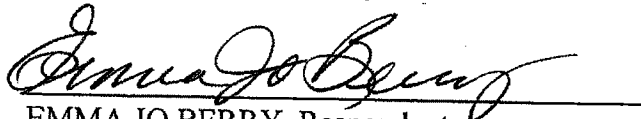
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

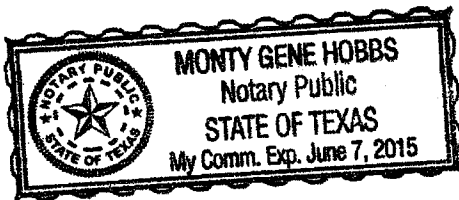
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

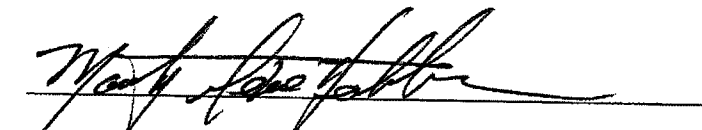
Signed this 5 day of November, 2011.


EMMA JO BERRY, Respondent

Sworn to and subscribed before me this 5th day of Nov, 2011.

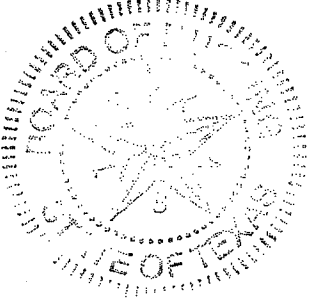
SEAL




Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 588513 and Vocational Nurse License Number 112548, previously issued to EMMA JO

BERRY.



Effective this 8th day of November, 2011.

A handwritten signature in cursive script that reads "Katherine A. Thomas".

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