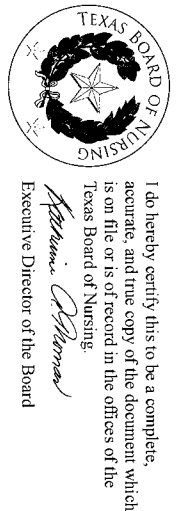


IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 58645
ISSUED TO
BARBA JEAN HERRING

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§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



ORDER OF THE BOARD

TO: Barba Jean Herring
9293 Highway 84 West
Rusk, Texas 75785

During open meeting held in Austin, Texas, on Tuesday, November 8, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 58645, previously issued to BARBA JEAN HERRING, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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



Entered this 8th day of November, 2011.

TEXAS BOARD OF NURSING

BY:

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

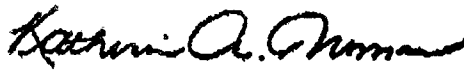
Attachment: Formal Charge filed September 7, 2011.

Re: Permanent Certificate Number 58645
Issued to BARBA JEAN HERRING
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of November, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Barba Jean Herring
9293 Highway 84 West
Rusk, Texas 75785



BY:

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

In the Matter of Permanent License
Number 58645, Issued to
BARBA JEAN HERRING, Respondent

§
§
§

BEFORE THE TEXAS
BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BARBA JEAN HERRING, is a Vocational Nurse holding license number 58645, which is in current 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 April 26, 2010, while employed as a Charge Nurse at Lexington Place Nursing and Rehabilitation, Rusk, Texas, Respondent failed to assess and intervene when Resident R.H. returned from the Emergency Room unresponsive, and with an oxygen saturation of 88% per pulse oximetry. Respondent's conduct exposed the patient unnecessarily to a risk of harm from untreated change in consciousness and low oxygen saturation levels which could have resulted in brain injury from sustained low oxygen levels and may have contributed to the resident's demise.

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)(A),(1)(B),(1)(M)&(2)(A), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

CHARGE II.

On or about April 26, 2010, while employed as a Charge Nurse at Lexington Place Nursing and Rehabilitation, Rusk, Texas, Respondent failed to assess and intervene when at 20:30 Resident R.H. could not be aroused to take routine oral medications and did not notify Resident R.H.'s physician of this change in her condition. Respondent's conduct exposed the patient unnecessarily to a risk of harm from untreated change in consciousness, delayed medical evaluation and treatment, and from progression of undetected clinical complications, including the resident's demise.

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)(A),(1)(B),(1)(M),(1)(P)&(2)(A), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

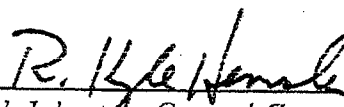
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent 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, 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.

Filed this 7th day of September, 2011.

TEXAS BOARD OF NURSING



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Board Certified - Administrative Law
Texas Board of Legal Specialization
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State Bar No. 24052269

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