

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 A. Plummer*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of §  
Vocational Nurse License Number 119242 §  
issued to GLYNDA ANN RUSHING §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 119242, issued to GLYNDA ANN RUSHING, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Tyler Junior College-Jacksonville, Jacksonville, Texas, on August 21, 1987. Respondent was licensed to practice vocational nursing in the State of Texas on December 2, 1987.

4. Respondent's nursing employment history includes:

12/1987-1/2003	Unknown	
2/2003-4/2006	LVN	Private Duty Nursing Jacksonville, Texas
5/2006-6/2007	LVN	Bonner Place Nursing Jacksonville, Texas

Respondent's nursing employment history continued:

7/2007-1/2008	Unknown	
2/2008-9/2008	LVN	Bonner Place Nursing Jacksonville, Texas
10/2008-6/2012	LVN	East Texas Medical Center Jacksonville, Texas
7/2012-Present	Unknown	

5. On or about June 16, 1992, Respondent's license to practice vocational nursing was Suspended and placed on Probation through an Agreed Board Order by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Agreed Board Order, including the Order of the Board and Complaint is attached and incorporated by reference as part of this Order.
6. On or about July 23, 2009, while employed as a Licensed Vocational Nurse (LVN) with East Texas Medical Center, Jacksonville, Texas, Respondent misappropriated a dose of Zofran from the Emergency Department stock for her own use. Respondent's conduct was likely to defraud the facility of the cost of the medications.
7. On or about May 30, 2012, while employed as a LVN with East Texas Medical Center, Jacksonville, Texas, Respondent failed to assess Patient Medical Record Number 109-27-33, or intervene when the patient, who was being treated for hypotension, had a significantly low blood pressure and collapsed during a transfer from her wheel chair. Respondent failed to interpret the patient's symptoms as a seizure and instead she insisted that the patient was "faking it." When Respondent finally realized that the patient was in cardiac arrest, she called for help and the patient was moved to a trauma room where resuscitation efforts were unsuccessful and the patient was pronounced deceased. Respondent's conduct may have contributed to the patient's death.
8. On September 25, 2013, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated September 23, 2013, is attached and incorporated herein by reference as part of this Order.

#### 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 violation(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(M)&(2)(A) and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action Vocational Nurse License Number 119242, heretofore issued to GLYNDA ANN RUSHING, 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, 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 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 119242, heretofore issued to GLYNDA ANN RUSHING, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a 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.

Effective this 25<sup>th</sup> day of September, 2013.

TEXAS BOARD OF NURSING

By:



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

119212

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
	*	
VS.	*	
	*	
GLYNDA ANN BERRY	*	COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 119242, held by GLYNDA ANN BERRY, hereinafter called Respondent.

A sworn Complaint dated April 24, 1992, has been filed and served on the Respondent, which alleges violations of the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c, and grounds to take disciplinary action against Respondent.

A prehearing conference was held on May 19, 1992, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Marjorie A. Bronk, R.N., Executive Director of the Board, assisted by Virginia Bauman, member of the Board of Vocational Nurse Examiners. Respondent was present and was represented by counsel.

The conference was attended by Cynthia Kinton, Investigator for the Board, and Debbie Leach, Assistant Attorney General. By her notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

119242

AGREED BOARD ORDER

RE: GLYNDA ANN BERRY, LVN #119242

PAGE 2

After reviewing the Complaint and information provided at the prehearing conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that she has read and understood this Order and has approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, The Board of Vocational Nurse Examiners does hereby order that license number 119242, heretofore issued to GLYNDA ANN BERRY be suspended, with said suspension stayed and placed on probation for a period of one (1) year.

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

1. That by copy of this Board Order Respondent shall provide notice of Board disciplinary action to her nursing employer(s), throughout the term of probation.
2. That Respondent shall cause her nursing employer(s) to submit satisfactory reports to the Board office on a quarterly basis throughout the term of probation.
3. That Respondent shall enroll in or audit and successfully complete a Stress Management Course/Seminar, and submit documentation of successful course completion to the Board office within the first six (6) months of probation. Respondent shall be responsible for locating said course and obtaining approval of Board staff prior to enrollment or audit. The expense of said course shall be borne by Respondent.
4. That any period(s) of unemployment must be documented in writing by Respondent and submitted directly to the Board office on a quarterly basis throughout the term of probation.

119242

AGREED BOARD ORDER  
RE: GLYNDA ANN BERRY, LVN #119242  
PAGE 3

5. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately.

It is also ordered that GLYNDA ANN BERRY shall comply with all the provisions of Article 4528c, Revised Civil Statutes of Texas.

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 19<sup>th</sup> day of May, 1992

Glynda A. Berry LVN  
Signature of Respondent

P.O. Box #1287  
Current Address

Jacksonville, Texas 75766  
City, State and Zip

903-586-6038  
Area Code and Telephone Number

The State of Texas  
County of Tarrant

Before me, the undersigned authority, on this day personally appeared GLYNDA ANN BERRY 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 this the 19<sup>th</sup> day of May, 1992

Carroll A. Reynolds  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
My Commission Expires 3-25-95

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


119212

AGREED BOARD ORDER

RE: GLYNDIA ANN BERRY, LVN #119242

PAGE 4

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 20<sup>th</sup> day  
of May, 1982.

  
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NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



119242

AGREED ORDER

RE: GLYNDA ANN BERRY, LVN #119242

PAGE 5

ENDORSEMENT OF THE BOARD  
To The Agreed Board Order  
in the matter of Vocational Nurse  
License No. 119242  
Issued to GLYNDA ANN BERRY

At its regularly called session, 16th day of June, 1992, came on to be considered the indicated Agreed Board Order pertaining to GLYNDA ANN BERRY. 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 this the 16th day of June, 1992.

Sandra W. Knight LVN  
Olga Robinson LVN  
Angie A. Parker  
Marabeth M  
Charlotta S. Siggard LVN  
Carmen M. O'Neil

Virginia M. Bauman  
Janice M. Pritchard LVN  
Neil S. Lusk  
Anna Jean Clark  
\_\_\_\_\_  
\_\_\_\_\_

119242

AGREED ORDER

RE: GLYNDA ANN BERRY, LVN #119242

PAGE 6

CERTIFICATE OF SERVICE

I hereby certify that on the 19<sup>th</sup> day of June, 1992,  
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):

Glynda Ann Berry  
P.O. Box 1287  
Jacksonville, Texas 75766

J. Clay Gossett  
Wilder, Wilder & Gossett  
Attorney at Law  
Post Office Drawer 1108  
Henderson, Texas 75653

Marjorie H. Bronk, R.N.  
Marjorie Bronk, R.N.  
Executive Director  
Agent for the Board of Vocational Nurse Examiners

119242

BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

GLYNDA ANN BERRY

COUNTY OF TRAVIS

COMPLAINT

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

As an Investigator for the Board of Vocational Nurse Examiners, I, Cynthia Kinton, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against GLYNDA ANN BERRY, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 119242, hereinafter called Respondent.

I.

- a. Respondent was employed as a Licensed Vocational Nurse at Rusk State Hospital in Rusk, Texas, on or about April 14, 1991. Respondent was assigned to the Intermediate Care Unit on the 2:00 p.m. to 10:00 p.m. shift assignment.
- b. While so employed on or about April 14, 1991, Respondent administered an injection of 2 mg. Ativan to client #098239.
- c. On said April 14, 1991, prior to administering said Ativan injection to said client, Respondent scraped the needle on the wall and then delivered half of the medication into said client's left hip, withdrew the needle, and injected the second half of the medication into the client's right hip.
- d. In addition, on said April 14, 1991, Respondent was verbally abusive to client #098239.
- e. Respondent was terminated from Rusk State Hospital on or about June 18, 1991. The dismissal was based on findings by the Client Abuse Committee that on or about April 14, 1991, Respondent had committed Class I Physical Abuse to client #098239.

COMPLAINT

RE: GLYNDA ANN BERRY, LVN #119242

PAGE 2

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" may include the following described acts or omissions:

- (2) administering medications and treatments in a negligent manner;
- (16) failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained, including but not limited to:
  - (D) causing suffering, permitting or allowing physical or emotional injury or impairment of dignity or safety to the patient/client, or failing to report same in accordance with the incident reporting procedure where the vocational nurse is employed or working;
  - (G) engaging in unnecessary violence towards any person in connection with the practice of vocational nursing.

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, Cynthia Kinton, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against GLYNDA ANN BERRY, LVN #119242, in accordance with the provisions of the laws of the State of Texas.

119242

COMPLAINT

RE: GLYNDA ANN BERRY, LVN #119242

PAGE 3

Cynthia Kinton  
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Cynthia Kinton, on this the 24th day of April, 1992.

Georgina B. Reynolds  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 24th day of April, 1992.

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

GLYNDA ANN RUSHING  
1060 COUNY ROAD 2206  
RUSK, TX 75785  
Vocational Nurse License Number 119242

RECEIVED SEP 23 2013

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature

*Glinda A. Rushing*

Date

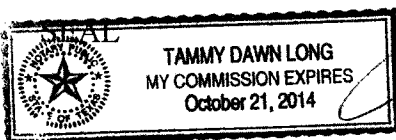
*September 23, 2013*

Vocational Nurse License Number 119242

The State of Texas

Before me, the undersigned authority, on this date personally appeared GLYNDA ANN RUSHING 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 before me the 23<sup>rd</sup> day of September, 2013.



*Tammy Dawn Long*  
Notary Public in and for the State of Texas