



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

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In the Matter of § AGREED  
Registered Nurse License Number 631634 §  
& Vocational Nurse License Number 98964 §  
issued to JULIE E SAALBERG § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JULIE E SAALBERG, Registered Nurse License Number 631634, and Vocational Nurse License Number 98964, 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, 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 holds licenses to practice professional and vocational nursing in the State of Texas which are currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Howard College, Big Spring, Texas, on September 10, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on December 13, 1982. Respondent received an Associate Degree in Nursing from Angelo State University, San Angelo, Texas, on May 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on July 10, 1996.
5. Respondent's complete nurse employment history is unknown.

6. On or about January 9, 2014, Respondent's registered nurse license was Revoked by the State of Missouri Board of Nursing, Jefferson, Missouri. A copy of the State of Missouri Board of Nursing Disciplinary Order dated January 9, 2014, is attached and incorporated, by reference, as part of this Order.
7. Respondent admits to the conduct outlined in Finding of Fact Number Six (6) and states that she has hired a lawyer to appeal their decision.
8. 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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 631634, and Vocational Nurse License Number 98964, heretofore issued to JULIE E SAALBERG, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
6. 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.

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ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 631634, and Vocational Nurse License Number 98964, heretofore issued to JULIE E SAALBERG, 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 nursing or vocational nursing, use the title "registered nurse" or "vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying herself as a registered nurse or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse or 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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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 consulted a lawyer* I have reviewed this Order. I neither admit nor deny the violation(s) 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.

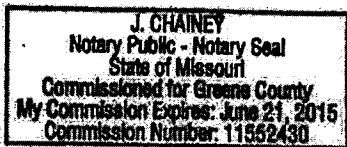
Signed this *23 14* ~~30~~ day of *August*, 20 *14*.

*Julie E Saalberg*  
\_\_\_\_\_  
JULIE E SAALBERG, Respondent

Sworn to and subscribed before me this *14<sup>th</sup>* day of *August*, 20 *14*.

SEAL

*J. Chaney*  
\_\_\_\_\_  
Notary Public in and for the State of *Missouri*



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 631634, and Vocational Nurse License Number 98964, previously issued to JULIE E SAALBERG.

Effective this 19th day of August, 20 14.



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

BEFORE THE STATE BOARD OF NURSING  
STATE OF MISSOURI

STATE BOARD OF NURSING,            )  
  )  
  Petitioner,            )  
vs.    )  
  )  
JULIE BRYANT,                            )  
  )  
  Respondent.            )

Case Number            2013-004673

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND DISCIPLINARY ORDER**

The State Board of Nursing, being in receipt of certified court records of a finding of guilty or nolo contendere in a criminal prosecution under the laws of this state for any offense involving the qualifications, functions, or duties of a licensed nurse, for any offense involving fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, filed a Request for a Disciplinary Hearing on November 4, 2013, pursuant to §335.066.16 RSMo to determine whether there was cause to discipline the nursing license of Respondent, and if so, what discipline, if any, was appropriate to be imposed against Respondent's nursing license.

The Board convened a hearing on December 4, 2013, at its regular meeting in Jefferson City to determine what discipline, if any, should be imposed on Respondent's nursing license.

Respondent appeared in person and was not represented by counsel. The Board was represented by Angela Marmion. Ian Hauptli acted as legal advisor to the Board. Evidence was adduced, exhibits were received and the matter was taken under advisement. The Board now enters its findings of fact, conclusions of law and disciplinary order in this matter:

## FINDINGS OF FACT

1. The State Board of Nursing (Board) is an agency of the State of Missouri created and established pursuant to §335.021 RSMo with the function of executing and enforcing the provisions of Chapter 335 RSMo, the Nursing Practice Act, for the purpose of safeguarding the public health.

2. Julie Bryant holds a license from this Board as a registered professional nurse, RN 1999137293. Respondent's license was current and active at all times relevant herein.

3. On March 26, 2012, Respondent pled guilty to the class A misdemeanor of hindering prosecution in violation of §575.030 RSMo, in the Circuit Court of Greene County, Missouri in case number 1031-CR03865-01. She received a ninety (90) day sentence in the Greene County Jail, with execution of that sentence suspended, and she was placed on two (2) years of unsupervised probation.

4. The exhibit containing the certified court records of the plea were offered into and accepted into evidence at the hearing.

5. Two witnesses testified at the hearing, Respondent and Officer Fred Beck.

6. The Board offered a second exhibit of miscellaneous documents with responses from Respondent written on them to the Board's inquiries. One document contains the notation by Respondent that she did not understand "How this should be any of the Nursing Board's business...".

7. Respondent offered an exhibit of a reference letter from a former co-worker, which was accepted into evidence.

8. Respondent's conduct constitutes a plea of guilty to an offense involving moral turpitude and is an offense for which an act of fraud and/or dishonesty is an essential element giving cause for the Board to discipline Respondent's nursing license pursuant to Section 335.066.2(2), RSMo.

9. The Board finds Respondent's testimony not credible.

10. The Board finds that this Disciplinary Order is issued to safeguard the public health.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction to discipline Respondent's license pursuant to the provisions of §335.066.16 RSMo Cum. Supp. 2013, which provides:

(1) The board may initiate a hearing before the board for discipline of any licensee's license or certificate upon receipt of one of the following:

(a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or of the United States for any offense involving the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense involving fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(2) The board shall provide the licensee not less than ten days' notice of any hearing held pursuant to chapter 536.

(3) Upon a finding that cause exists to discipline a licensee's license, the board may impose any discipline otherwise available.

2. "[G]rounds for discipline specified in such a professional-licensing statute should be liberally construed to protect the public." Professional licensing statutes are not penal in nature and the "powers conferred upon boards of health to enable them effectively



to perform their important functions in safeguarding the public health should receive a liberal construction." *Koetting v. Bd. of Nursing*, 314 S.W.3d 812, 819 (Mo. App. 2010).

### ANALYSIS

The registered professional nursing license of Respondent is subject to discipline as a result of her hindering prosecution in a criminal matter involving her son. She informed a police officer she had not been communicating with her son despite having nearly 90 minutes of conversation with him in approximately 24 different calls. She subsequently pled guilty to this offense and by her own testimony was put on two years of unsupervised probation and ordered to do 40 hours of community service.

At the discipline hearing, Respondent testified at length about the incident and repeated several times "I didn't want to be involved." Respondent admitted she lied to the detective about not speaking to her son and admitted that she had in fact spoken to her son in total for approximately 90 minutes. She also testified that: "...I don't have a devious mind and I didn't realize that he [the police detective] could pull up phone records." When asked by the Board's attorney "...so you thought you'd get away with a lie?", Respondent testified: "Well, yeah. I guess so....." Respondent also testified that she knew why the three children that were once in her care were being interviewed by child advocates thusly: "...They were being questioned about my son and if he had ever molested them."

Respondent also testified that Detective Beck's questioning of her was occurring at the same time at least some of the children were being interviewed by the child advocates in regard to sexual molestation.

Respondent's answers do not give the Board any comfort in that she simply sought to distance herself from the entire incident and did not accept responsibility for her actions

in interfering with and hindering a police investigation into a very serious matter.

Furthermore, she not only admitted that she knew why the police were attempting to contact her son, she lied to the police officer at the very same time the children she had taken some responsibility for were being interviewed for possible sexual abuse by her son.

Respondent's actions are extremely troubling to the Board, and her minimization of her behavior as to her role in the obstruction of the investigation, is worrisome. The crime she pled guilty to is a crime of moral turpitude and is one involving dishonesty.

Furthermore, her voluntary admission in her testimony that she had been fired from hospice for being a patient advocate in response to a Board Member's question of: "... if this had been a patient, would you stay out of it?", does not give the Board any comfort in that Respondent's answer misses the point that once a nurse is put on notice that a patient is in danger, the nurse needs to speak up and put those in power on notice, despite what her relationship to the patient is or what her role in the patient's care actually is. In that situation, a nurse cannot simply state: "I do not want to get involved."

Nurses maintain power over their patients through their professional position and access to private knowledge about their patients. A nurse cannot simply say she made a poor decision when she is responsible for the health and safety of others in their most vulnerable states. Nurses must demonstrate critical thinking skills when presented with an unusual or uncomfortable situation to properly see that patients get the best care and be open and honest at all times. Being honest is one of the paramount duties of being a nurse.

The Board is charged with executing and enforcing the Nursing Practice Act for the purpose of safeguarding the health of the public. The Board therefore finds and concludes

that the appropriate level of discipline for the license of Julie Bryant is REVOCATION in order to safeguard the health of the public.

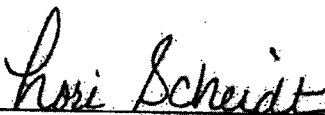
**DISCIPLINARY ORDER**

1. The Missouri State Board of Nursing enters its Order and **REVOKES** the nursing license and the privilege to practice, if any, in the State of Missouri of Respondent, Julie Bryant, RN 1999137293. It is further ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Missouri pursuant to a multistate licensure privilege without the written permission of the State of Missouri and the Board of Nursing in the party state where Respondent wishes to practice nursing.

2. The Board will maintain this Order as an open and public record of the Board as provided in Chapters 324, 335 and 610, RSMo. The Board will report this Order to data banks, other appropriate entities and in its newsletter. This is a disciplinary action against Respondent's license. The original of this document shall be kept in the Board's file and its contents shall be disclosed to the public upon proper request.

ENTERED THIS 9th DAY OF JANUARY, 2014.

STATE BOARD OF NURSING



Lori Scheidt  
Executive Director