



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 Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 252752	§	FOR
issued to GARY A. BERGLUND	§	KSTAR PILOT PROGRAM

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board produced evidence indicating that GARY A. BERGLUND, Registered Nurse License Number 252752, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on June 9, 2015, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Rodney Montes, Attorney at Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on 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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Texas Christian-Harris College, Fort Worth, Texas, on May 1, 1980. Respondent was licensed to practice professional nursing in the State of Texas on September 4, 1980.
5. Respondent's nursing employment history includes:

9/1980-5/1985	Registered Nurse	All Saints Episcopal Hospital Fort Worth, Texas
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6/1985-5/2010	Not employed in nursing.
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Respondent's nursing employment history continued:

6/2010-11/2012	Registered Nurse Charge Nurse	Mimosa Manor Keller, Texas
11/2012-2/2014	Registered Nurse Charge Nurse	Heritage House of Keller Keller, Texas
3/2014-4/2014	Unknown	
5/2014-Present	Registered Nurse Case Manager	Ardent Hospice Dallas, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Heritage House of Keller, Keller, Texas, and had been in that position for six (6) months.
7. On or about May 27, 2013, while employed as a Registered Nurse with Heritage House of Keller, Keller, Texas, Respondent failed to document his assessment of Resident C.P. and failed to notify the patient's physician or recheck the resident's oxygen saturation when the resident's oxygen saturation was noted to be 46% on pulse oximeter. Respondent administered an as needed breathing treatment to the resident but later the resident's oxygen saturation decreased again to 66% and required emergency transport to acute care. Respondent's conduct resulted in an incomplete medical record and exposed the patient unnecessarily to a risk of harm from ineffective treatment that deprived the patient of the benefit of appropriate medical interventions.
8. In response to the incident in Finding of Fact Number Seven (7) Respondent states the resident had no complaints of shortness of breath but that she was less alert than usual. Respondent states he checked the patient's oxygen saturation with the pulse oximeter and when he got a low reading he listened to her lungs and they were not congested and the patient was not showing signs of hypoxia so he reported the patient's low oxygen saturation to the Assistant Director of Nursing and she suggested he administer an as needed nebulizer treatment. Respondent states, "once the treatment was complete, and her oxygen saturation had not come up to normal, I contacted her physician."
9. Formal Charges were filed on February 23, 2015.
10. Formal Charges were mailed to Respondent on February 25, 2015.

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)(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)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 252752, heretofore issued to GARY A. BERGLUND.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply 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 §§211.1 *et seq.*, and this Order.

III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PILOT PROGRAM

IT IS AGREED and ORDERED that RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Pilot Program and RESPONDENT SHALL:

- (A) Within forty-five (45) days of entry of this Order, apply to and enroll in the KSTAR Pilot Program, including payment of any fees and costs, unless otherwise agreed in writing;
- (B) Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;
- (C) Follow all requirements within the remediation plan, if any;
- (D) Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Pilot Program; and
- (E) Provide written documentation of successful completion of the KSTAR Pilot Program to the attention of Monitoring at the Board's office.

IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Pilot Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of Respondent's license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

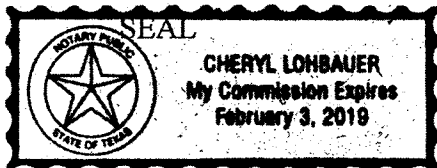
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 entry of this 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 when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16th day of July, 2015.

GARY A. BERGLUND
GARY A. BERGLUND, Respondent

Sworn to and subscribed before me this 16th day of July, 2015.



Cheryl Lonbauer
Notary Public in and for the State of Texas

Approved as to form and substance.

Rodney Montes
Rodney Montes, Attorney for Respondent

Signed this 17th day of July, 2015

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of July, 2015, by GARY A. BERGLUND, Registered Nurse License Number 252752, and said Order is final.

Effective this 11th day of August, 2015.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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