



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.  
*Katherine A. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 818454	§	
issued to MARY T. BERBERICH	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARY T. BERBERICH, Registered Nurse License Number 818454, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 27, 2016.

### 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 a Diploma in Nursing from Ravenswood Hospital Medical Center, Chicago, Illinois, on June 1, 1985. Respondent was licensed to practice professional nursing in the State of Illinois on April 28, 1986, and was licensed to practice professional nursing in the State of Texas on June 6, 2012.
5. Respondent's nursing employment history includes:  

4/1986-1989	Unknown
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Respondent's nursing employment history continued:

1990 - 2003	Registered Nurse	St. Mary of Nazareth Hospital Chicago, Illinois
2000 - 2004	Registered Nurse	InteliStaf Healthcare, Inc. Oakbrook, Illinois
2003 - 2012	Registered Nurse	St. Alexius Medical Center Hoffman Estates, Illinois
8/2012 - 4/2015	Registered Nurse	Heritage Elementary School Keller Independent School District Keller, Texas
5/2015 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Heritage Elementary School, Keller Independent School District, Keller, Texas, and had been in that position for two (2) years.
7. On or about August 25, 2014, while employed as a Registered Nurse at Heritage Elementary School, Keller Independent School District, Keller, Texas, Respondent failed to accurately document physician orders for Patient Number 708729, in that Respondent documented Benadryl on the electronic medical record (EMR), but it was not noted on the Allergy Emergency Action Plan. Additionally, Respondent failed to update the Allergy Emergency Action Plan to ensure Benadryl was listed as an as-needed (PRN) medication after she located the Benadryl. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
8. On or about August 28, 2014, through September 15, 2014, while employed as a Registered Nurse at Heritage Elementary School, Keller Independent School District, Keller, Texas, Respondent failed to document the correct medication in the electronic medical record (EMR) for Patient Number 711663. Respondent mistakenly entered Procentra, which is used for the treatment of ADHD, instead of Pro-Air PRN Inhaler, used for asthma. Also the patient did not have an order for Procentra. Respondent inaccurately documented administering Procentra, but documented the route as "2 puffs," which would be the appropriate route for the Pro-Air Inhaler. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
9. On or about September 15, 2014, while employed as a Registered Nurse at Heritage

Elementary School, Keller Independent School District, Keller, Texas, Respondent failed to document results for the second vision re-screening examination, which is a state mandated screening, for Patient Number 717395. Additionally, Respondent sent a Referral Letter to seek medical evaluation, which is to be sent only after conducting and documenting failing results from the second vision re-screening examination. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.

10. On or about September 15, 2014, while employed as a Registered Nurse at Heritage Elementary School, Keller Independent School District, Keller, Texas, Respondent failed to document results of the second vision re-screening examination for Patient Number 725823. Additionally, Respondent sent a Referral Letter to seek medical evaluation for the patient, which is sent only after conducting and documenting a failed re-screening examination. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
11. On or about September 15, 2014, while employed as a Registered Nurse at Heritage Elementary School, Keller Independent School District, Keller, Texas, Respondent failed to document accurate results for a vision screening examination, a state mandated examination, for Patient Number 705339 in that she documented the patient failed the screening, but the patient passed screening examination. Additionally, Respondent inaccurately documented the patient passing screening on the Mass Screening Report, but documented the patient failed the screening in RAD, the electronic medical record. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
12. On or about September 15, 2014, while employed as a Registered Nurse at Heritage Elementary School, Keller Independent School District, Keller, Texas, Respondent failed to document accurate results of a vision screening examination, a state mandated examination, for Patient Number 720333. Respondent sent a Referral Letter for vision screening results of 20/50 and 20/40, however, there is no documentation of this screening being conducted. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
13. On or about September 15, 2014, while employed as a Registered Nurse at Heritage Elementary School, Keller Independent School District, Keller, Texas, Respondent failed to document accurate results of a state mandated hearing screening for Patient Number 704034, in that Respondent documented patient as failing on Mass Screening Report, but documented patient as passing in the electronic medical record. Additionally, Respondent failed to

document and update the aforementioned patient's passing re-screening in the electronic medical record. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.

14. On or about September 15, 2014, while employed as a Registered Nurse at Heritage Elementary School, Keller Independent School District, Keller, Texas, Respondent failed to accurately document that Patient Number 701769 failed a state mandated vision screening on the Mass Screening Report with results of 20/50 and 20/50. Respondent documented the results in electronic medical record as 20/30 and 20/40. Additionally, Respondent failed to complete the vision re-screening for the aforementioned patient. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
15. On or about September 15, 2014, while employed as a Registered Nurse at Heritage Elementary School, Keller Independent School District, Keller, Texas, Respondent failed to accurately document state mandated vision screening results into the electronic medical record for Patient Number 702012, in that she documented results of 20/40 in both eyes on 10/10/14, and a failed screening performed on 9/15/14. However, there is no documentation showing a screening was conducted on 9/15/14. Respondent documented the patient as passing re-screening on the Mass Screening Report, but documented that patient failed re-screening in RAD, the electronic medical record. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
16. On or about April 8, 2015, while employed as a Registered Nurse at Heritage Elementary School, Keller Independent School District, Respondent failed to ensure the ordered Epipen was current for Patient Number 704075, as the Epipen was found to have been expired since October 2014, which would have been noted if accurate medication inventory was conducted. The substitute nurse notified the patient's parents, and a new Epipen was obtained. Respondent's conduct exposed the patient to a risk of harm from unavailability of appropriate ordered emergency medications while at school.
17. In response to the incidents in Findings of Fact Numbers Seven (7) through Sixteen (16), Respondent states she remembers that Kathy Orwig, RN, High School Nurse, being present during the IHP meeting for Patient Number 708729 on or about 8/25/14 along with the parent. Respondent states that student's parent sent an email to Cindy Parsons stating Respondent was not at fault and that Respondent provided appropriate care.

### 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) and 22 TEX. ADMIN. CODE §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 818454, heretofore issued to MARY T. BERBERICH.
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 **REPRIMAND WITH STIPULATIONS** and Respondent's license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to satisfy all then existing requirements for reactivation and RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had Respondent not chosen to inactivate his/her nursing license(s).

RESPONDENT'S CERTIFICATION

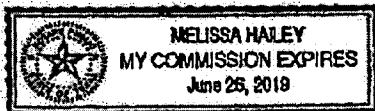
I understand ~~that~~ I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary 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. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this 30 day of August, 2016.Mary T. Berberich

MARY T. BERBERICH, Respondent

Sworn to and subscribed before me this 30<sup>th</sup> day of August, 2016.

SEAL

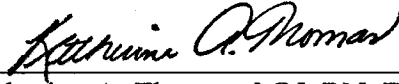
Melissa HaleyNotary Public in and for the State of Texas

Approved as to form and substance.

Taralynn R. Mackay  
Taralynn R. Mackay, Attorney for RespondentSigned this 31<sup>st</sup> day of August, 2016

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 30th day of August, 2016, by MARY T. BERBERICH, Registered Nurse License Number 818454, and said Order is final.

Effective this 27th day of October, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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