BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§ AGREED ORDER
Registered Nurse License Number 933599	§
issued to REBECCA BERICH	§
	§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of REBECCA BERICH, Registered Nurse License Number 933599, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 7, 2021.

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 Agreed 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 Tompkins Cortland Community College, Dryden, New York, on May 1, 2017. Respondent was licensed to practice professional nursing in the State of Texas on November 10, 2017.

5. Respondent's nursing employment history includes:

    5/2017 – 11/2018   Registered Nurse   Crouse Hospital
                                                        Syracuse, New York

Respondent's nursing employment history continued:

1/2018 – 11/2018	Registered Nurse	Mission Trail Hospital San Antonio, Texas
11/2018 – 3/2019	Unknown	
3/2019 – 5/2019	Registered Nurse	Children's Hospital of San Antonio San Antonio, Texas
6/2019 – 8/2019	Registered Nurse	Methodist Hospital San Antonio, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with The Children's Hospital of San Antonio, Texas, and had been in that position for two (2) months.

7. On or about May 7, 2019, while employed with The Children's Hospital of San Antonio, San Antonio, Texas, Respondent clocked in for work dressed in shorts and flip flops at 4:48pm when she was not scheduled. Respondent then left the facility and returned the next morning, May 8, 2019 at 8:09 am to clock out. Respondent's conduct was deceptive and could have defrauded the facility of money paid for time not actually worked.

8. In response to Finding of Fact Number Seven (7), Respondent states on the date listed, she went into work early to finish some health streams because they were nearly overdue. While walking into the building, she checked her phone to see which preceptor she was going to be shadowing that night and after clocking in, realized that she had been looking at the previous week's schedule and was not in fact scheduled for that shift. Respondent states she swiped her badge again believing that would clock her out and left. Respondent states the next morning, she had an appointment near the hospital and planned on stopping in to check and make sure it had captured her clock out from the previous night and if not, talk to her director and let her know about the mistake. Respondent states she left later than she expected for her appointment, so when the display didn't show her last punches, she decided that after her appointment, she would email her director. Respondent states she never intentionally mislead or lied to her directors and apologized profusely when she realized the mistake she had made. The money that had been given in her previous paycheck from the hours she was accidently clocked in were deducted from her next paycheck.

10. Formal Charges were filed on June 4, 2020.

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) and 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(B),(6)(G)&(6)(H).

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 933599, heretofore issued to REBECCA BERICH.

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** and RESPONDENT'S license(s), and any privilege(s) to practice, as applicable, 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 petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, 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).

Until such time that RESPONDENT'S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

II. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) 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 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this ⎯11th⎯ day of ⎯September⎯, 20⎯21⎯.

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REBECCA BERICH, RESPONDENT

Sworn to and subscribed before me this ⎯⎯⎯ day of ⎯⎯⎯⎯⎯⎯⎯, 20⎯⎯.

SEAL ⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯

Notary Public in and for the State of ⎯⎯⎯⎯

Approved as to form and substance.

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Deborah Goodall, Attorney for Respondent

Signed this ⎯11th⎯ day of ⎯September⎯20⎯21⎯

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WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11th day of September, 2021, by REBECCA BERICH, Registered Nurse License Number 933599, and said Agreed Order is final.

Effective this 21st day of October, 2021.

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