



**In the Matter of
Permanent Registered Nurse
License Number 500995 &
Permanent Vocational Nurse
License Number 80509
Issued to BARBARA BERRY WENDENBURG,
Respondent**

**§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE**

ORDER OF THE BOARD

TO: Barbara Wendenburg
2902 Birch Park Ln
Houston, TX 77073

During open meeting held in Austin, Texas, on September 10, 2024, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

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.
Kristin K. Benton, DNP, RN
Executive Director
Texas Board of Nursing

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN. CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 500995, and Permanent Vocational Nurse License Number 80509, previously issued to BARBARA BERRY WENDENBURG to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 10th day of September, 2024.

TEXAS BOARD OF NURSING

BY: Kristin K. Benton, DNP, RN

KRISTIN K. BENTON, DNP, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed July 8, 2024

d17r(2024.08.14)

Re: Permanent Registered Nurse License Number 500995
& Permanent Vocational Nurse License Number 80509
Issued to BARBARA BERRY WENDENBURG
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of September, 2024, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested,
Copy Via USPS First Class Mail

Barbara Wendenburg
2902 Birch Park Ln
Houston, TX 77073

Kristin K. Benton, DNP, RN

BY: _____

KRISTIN K. BENTON, DNP, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of
Permanent Registered Nurse
License Number 500995 &
Permanent Vocational Nurse
License Number 80509
Issued to BARBARA BERRY
WENDENBURG,
Respondent**

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§ **BEFORE THE TEXAS**
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§ **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BARBARA BERRY WENDENBURG, is a Registered Nurse holding license number 500995, which is in current status at the time of this pleading. Further, Respondent is a Vocational Nurse holding license number 80509, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record, and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about March 11, 2024, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on December 12, 2023. Non-compliance is the result of her failure to comply with all terms of the Agreed Order for KSTAR Program, which required that she:

Within forty-five (45) days following the effective date of the Order, apply to and enroll in the KSTAR Program, including payment of any fees and costs....

Respondent failed to make the second payment installment due on March 11, 2024. Therefore, KSTAR returned Respondent to the Board as "not enrolling in time".

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated April 7, 1997, and December 12, 2023.

Filed this 8th day of July, 2024.

TEXAS BOARD OF NURSING

Kristin G. Schoen

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
John Vanderford, Deputy General Counsel
State Bar No. 24086670
JoAnna Starr, Assistant General Counsel
State Bar No. 24098463
Jacqueline A. Strashun, Assistant General Counsel
State Bar No. 19358600
Eugene A. Clayborn, Assistant General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 00785767
Kristin Giaquinta Schoen, Assistant General Counsel
State Bar No. 24055547

1801 Congress Avenue, Suite 10-200
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512) 305-7401

Attachment(s): Order(s) of the Board dated April 7, 1997, and December 12, 2023.

D(2024.05.24)



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 office of the Texas Board of Nursing.
Katherine A. Thomas, MN, RN, FAAN
Executive Director
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Registered Nurse License Number 500995
& Vocational Nurse License Number 80509
issued to BARBARA BERRY WENDENBURG

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AGREED ORDER
FOR
KSTAR PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, consider the matter of BARBARA BERRY WENDENBURG, Registered Nurse License Number 500995, and Vocational Nurse License Number 80509, 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)&(14)(effective 9/1/21), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order for KSTAR Program approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 30, 2023.

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 for KSTAR Program.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from North Harris County College, Houston, Texas, on February 12, 1979. Respondent received a Diploma in Nursing from North Harris County College, Houston, Texas, on May 1, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on May 9, 1979.

Respondent was licensed to practice professional nursing in the State of Texas on September 15, 1982.

5. Respondent's nursing employment history includes:

5/1979 - 1982	Vocational Nurse	Houston Northwest Medical Center Houston, Texas
1982 - 1984	Registered Nurse	Houston Northwest Medical Center Houston, Texas
1985 - 2002	Medical Office Manager	Hans O. Wendenburg Houston, Texas
2003 - 1/2016	Unknown	
2/2016 - 2/2021	Registered Nurse	Kingwood Pines Hospital Houston, Texas
3/2021 - 5/2021	Unknown	
6/2021 - 10/2021	Registered Nurse	General Healthcare Resources, Inc, Buffalo, New York Austin State Hospital Austin, Texas
10/2021 - 1/2022	Travel Nurse	RI Crisis Henderson, North Carolina
2/2022 - Present	Unknown	

6. On or about April 7, 1997, Respondent was issued the sanction of Fine through an Order of the Board. A copy of the April 7, 1997, Order is attached and incorporated herein by reference as part of this Agreed Order for KSTAR Program.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with General Healthcare Resources, Buffalo, New York, and had been in that position for four (4) months.

8. On or about October 9, 2021, while employed as a Registered Nurse with General Healthcare Resources, Buffalo, New York, and on assignment at Austin State Hospital, Austin, Texas. Respondent failed to notify the physician that Patient BC required physical restraint at 0830 and again at 0920. Additionally, Respondent failed to document that the patient was restrained and failed assess the patient after each restraint. Respondent's conduct created an incomplete medical record and was likely to injure the patient from unknown and/or undetected changes in condition and may have contributed a delay in necessary medical treatment.
9. On October 9, 2021, while employed as a Registered Nurse with General Healthcare Resources, Buffalo, New York, and on assignment at Austin State Hospital, Austin, Texas. Respondent failed to complete an assessment of Patient ABP, upon the patient's arrival to the unit. Respondent's conduct was likely to injure the patient from unknown and/or undetected changes in condition and may have contributed a delay in necessary medical treatment.
10. In response to Finding of Fact Number Eight (8), Respondent states she did not know she had to notify the physician of this occurrence and thought she only had to notify when the patient was placed in the restraint chair. In response to Finding of Fact Number Nine (9), Respondent states she was advised there was a new admission but was told the admission would be held until the next shift. Respondent states that she had never completed an admission on the unit and was unfamiliar with the procedure. Respondent states she completed the skin assessment and was unable to do the RN assessment, so she left it for the next shift.

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)&(14)(effective 9/1/21), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 500995, and Vocational Nurse License Number 80509, heretofore issued to BARBARA BERRY WENDENBURG.
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. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- D. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order for KSTAR Program.

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

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

- A. **Within forty-five (45) days** following the effective date of this Order, apply to and enroll in the KSTAR 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 Program; and
- E. Provide written documentation of successful completion of the KSTAR 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 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 Agreed Order for KSTAR Program, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. 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 3rd day of NOVEMBER, 2023.

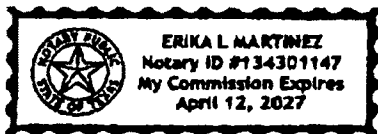
Barbara Berry Wendenburg
BARBARA BERRY WENDENBURG, RESPONDENT

Sworn to and subscribed before me this 3rd day of November, 2023.

SEAL

E. Martinez

Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for KSTAR Program that was signed on the 3rd day of November, 2023, by BARBARA BERRY WENDENBURG, Registered Nurse License Number 500995, and Vocational Nurse License Number 80509, and said Agreed Order for KSTAR Program is final.

Effective this 12th day of December, 2023.

Kristin K. Benton, DNP, RN

Kristin K. Benton, DNP, RN
Executive Director on behalf
of said Board



Executive Director of the Board
Katherine A. Thomas
is on file or is of record in the offices of the
Texas Board of Nursing

**BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS**

In the Matter of Permanent §
Certificate Number 500995 §
Issued to: BARBARA L. WENDENBURG §

AGREED ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of Barbara L. Wendenburg, license number 500995, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4518, Section 7 and Article 4525(b)(1), TEX. REV. CIV. STAT. ANN. , as amended and 22 Texas Administrative Code, §217.15.

Respondent waived representation by counsel, informal conference, notice, hearing and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, on behalf of the Board.

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.
2. Respondent waived representation by counsel, informal conference, notice, hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. In response to a random audit conducted by the Board, Respondent failed to comply with the Board's requirements for continuing education gathered within the two-year period ending December 31, 1996.
5. Respondent submitted documentation of 20 contact hours of continuing education which were completed after the audited period ending December 31, 1996.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, TEX. REV. CIV. STAT. ANN., as amended, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. Evidence received was sufficient to prove violation(s) of Article 4518, Section 7 and 4525(b)(1) TEX. REV. CIV. STAT. ANN. and 22 Texas Administrative Code §217.15(b).
4. Respondent's failure to comply with Continuing Education requirements is sufficient cause pursuant to Article 4525(b) TEX. REV. CIV. STAT. ANN. to take disciplinary action against license number 500995, heretofore issued to Barbara L. Wendenburg.

AGREED SANCTIONS

IT IS THEREFORE AGREED, that RESPONDENT SHALL receive the sanction of a fine in the amount of \$100.00, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas, Annotated, as amended, Article 4513 et seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 Texas Administrative Code, §211.01 et seq., and this Order.

IT IS FURTHER AGREED, that RESPONDENT SHALL submit this signed Agreed Order and fine, within 45 days.

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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 have reviewed this Order. I neither admit nor deny the violation alleged. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law and Agreed Sanctions on this Order to avoid further disciplinary action in this matter. I consent to the issuance of the Agreed Sanctions. I waive judicial review of this Order.

Signed this 26 day of March, 1997

Barbara B Wendenburg
BARBARA B WENDENBURG

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas acknowledges satisfaction of the requirements of the Agreed Order that was signed on the 26th day of March, 1997, by Barbara L. Wendenburg, license number 500995, and said Order is final.

Signed this 8th day of April, 1997.

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