BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 143342	§	
issued to GLENDA MARIE CUNNINGHAM	§	ORDER

BOARD OF NURSING TEXAS
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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of GLENDA MARIE CUNNINGHAM, Vocational Nurse License Number 143342, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 17, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

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 proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Navarro College, Waxahachie, Texas, on August 20, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on December 1, 1993.

5. Respondent's vocational nursing employment history includes:

12/1993-11/2004	Unknown	
12/2004-8/2006	LVN Charge Nurse	Haven Nursing Home Mexia, Texas

Respondent's vocational nursing employment history continued:

8/2004-12/2006	LVN Charge Nurse	Mexia State School Mexia, Texas
8/2006-2/2007	LVN Charge Nurse	Heritage Oaks West Corsicana, Texas
2/2007-9/2007	LVN Home Health Nurse	Family Care of Texas Home Health Corsicana, Texas
10/2007-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a LVN Home Health Nurse with Family Care of Texas Home Health, Corsicana, Texas, and had been in this position for seven (7) months.

7. On or about September 18, 2007, while employed as a Home Health Nurse with Family Care of Texas Home Health, Corsicana, Texas, Respondent failed to perform skilled nursing visits for six (6) patients, as assigned. Two (2) of the patients were scheduled for wound care and two (2) were scheduled for labs. Additionally, Respondent failed to notify the agency in a timely manner that she did not perform the patient visits, and consequently, her assigned patients did not receive the care that was ordered by the physician. Respondent's conduct was likely to injure the patients from non-efficacious care.

8. In response to the incident in Findings of Fact Number Seven (7), Respondent states she told her supervisor on September 17, 2007, that she had accepted another job and would be quitting. She says she told her supervisor that she had orientation on September 18, 2007, at her new job, and she wasn't sure if she would be finished in time to visit patients on that day. Respondent states she informed the supervisor that she would let her know when she had finished with the orientation so they could determine if she would have time to visit patients. Respondent states that when she notified the supervisor on the 18th that she would not be able to see patients because orientation had lasted until 4:00 p.m., her supervisor became angry, used foul language and threatened to turn the Respondent into the State Board. Respondent indicates this is when she told her supervisor she would not be returning to work for her.

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 of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(C),(1)(M), (1)(I)&(2)(A) and 217.12(1)(A),(1)(B),(1)(E).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 143342, heretofore issued to GLENDA MARIE CUNNINGHAM, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in

length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred ($500.00) dollars. RESPONDENT SHALL pay this fine within forty-five days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for multistate licensure privileges.

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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 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 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 revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of March, 2010.

Glenda Marie Cunningham

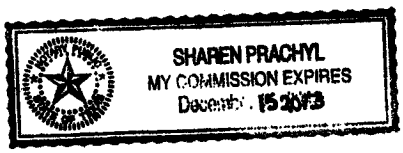
GLENDA MARIE CUNNINGHAM, Respondent

Sworn to and subscribed before me this 16 day of March, 2010.

SEAL

Sharen Prachyl

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 16th day of March, 2010, by GLENDA MARIE CUNNINGHAM, Vocational Nurse License Number 143342, and said Order is final.

Effective this 22 day of March, 2010.

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