



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

In the Matter of Registered Nurse	§	AGREED
License Number 561822 and Vocational Nurse	§	
License Number 122496 issued to	§	
JUDITH ROSE BINGHAM	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JUDITH ROSE BINGHAM, Registered Nurse License Number 561822 and Vocational Nurse License Number 122496, 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 March 30, 2009, 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 professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Amarillo College, Amarillo, Texas, on May 27, 1988; and received an Associate Degree in Nursing from New Mexico Junior College, Hobbs, New Mexico, on May 11, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on December 8, 1988; and was licensed to practice professional nursing in the State of Texas on August 31, 1990.

5. Respondent's nursing employment history includes:

12/88 - 1994	Unknown	
1995 - 1997	Staff Nurse	Midland Memorial Hospital Midland, Texas
1998 - 2004	Agency Nurse	Nurses Unlimited Odessa, Texas
1999 - 2004	Agency Nurse	Prime Staff Lubbock, Texas
2004 - Unknown	Agency Nurse	Advantage Medical Staffing Lubbock, Texas
8/2006	Agency Nurse	Advantage Medical Staffing Lubbock, Texas, assigned to Lubbock State School Lubbock, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as an Agency Nurse with Advantage Medical Staffing, Lubbock, Texas, assigned to Lubbock State School, Lubbock, Texas, and had been in this position for less than one (1) month.
7. On or about August 1, 2006, while employed as an Agency Nurse with Advantage Medical Staffing, Lubbock, Texas, and assigned to Lubbock State School, Lubbock, Texas, Respondent was assisting the primary care nurse for MPI # 179214 by administering the morning medications. Respondent turned off the resident's feeding prior to administering the medications slowly, by gravity, via gastrostomy tube, as instructed. Approximately thirty (30) minutes later the resident vomited forty (40) to fifty (50) ccs of "frothy material" via his mouth, nose and tracheostomy tube. Respondent suctioned the resident but failed to assess the resident's vital signs or lung sounds following the episode of vomiting. This resident had a history of aspirating which required frequent hospitalizations for aspiration pneumonia. Subsequently, MPI # 179214 was transferred to University Medical Center, Lubbock, Texas, again with aspiration pneumonia. However, on August 10, 2006, the resident expired when the family made the decision to remove him from ventilator support. Respondent's conduct was likely to injure the resident from clinical care decisions formulated based upon incomplete assessment information.
8. On or about August 1, 2006, while employed as an Agency Nurse with Advantage Medical Staffing, Lubbock, Texas, and assigned to Lubbock State School, Lubbock, Texas, Respondent failed to document that her nursing note entry was recorded as a late entry in the medical record for MPI # 79214. Respondent's conduct resulted in an inaccurate medical record.

9. In response to the incident in Finding of Fact Number Seven (7), Respondent states she had oriented several days before and cancelled the day prior to the incident. "I was debating whether I should go back, I decided to give it one more try thinking that the first day was just a bad day. I found work conditions to be unsafe." Respondent explains that she was assigned patients, but this was not her patient. The primary nurse, a LVN, was behind giving medications and Respondent states that she offered to help. Respondent asserts that she turned off the patient's feeding prior to administering the medications slowly, by gravity, as instructed. Respondent states that approximately 30 minutes later the patient vomited 40 - 50 cc of feeding. "I immediately suctioned the patient getting frothy material. There was no indication of feeding substance at this time." At this point two (2) nurses, both employed with the State School, came in and "completely took over care of this patient." In conclusion, Respondent states that she returned to Lubbock State School approximately one year later and again found the unsafe conditions so she did not return.

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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B), (1)(D),(1)(M)&(3)(A) and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 561822 and Vocational Nurse License Number 122496, heretofore issued to JUDITH ROSE BINGHAM, including revocation of Respondent's licenses to practice 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, 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 licenses are 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 deliver the wallet-sized licenses issued to JUDITH ROSE BINGHAM to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) 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 not 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>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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>

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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>

(5) 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://www.learningext.com/products/generalce/critical/ctabout.asp>

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

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RESPONDENT'S CERTIFICATION

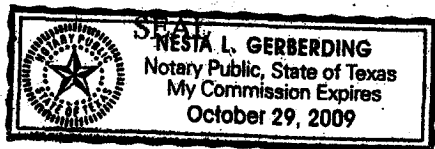
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this ^{29th} ~~to~~ day of June, 2009

Judith Rose Bingham
 JUDITH ROSE BINGHAM, Respondent

Sworn to and subscribed before me this 29th day of June, 2009.



Nesta L. Gerberding
 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 29th day of June, 2009, by JUDITH ROSE BINGHAM, Registered Nurse License Number 561822 and Vocational Nurse License Number 122496, and said Order is final.

Effective this 30th day of June, 2009.

Katherine A. Thomas

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