

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 561822 AND VOCATIONAL
NURSE LICENSE NUMBER 122496
ISSUED TO
JUDITH ROSE BINGHAM

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE

OF THE TEXAS
BOARD OF NURSING



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.
Patricia A. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Judith Rose Bingham
607 SE 3rd Street
Seminole, Texas 79360

During open meeting held in Austin, Texas, on June 9, 2009, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing 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 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 Eligibility and Disciplinary 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 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 § 213.2(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 Certificate Number 561822 and Vocational Nurse License Number 122496, previously issued to JUDITH ROSE BINGHAM, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 561822 and Vocational Nurse License Number 122496, previously issued to JUDITH ROSE BINGHAM, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice nursing in the State of Texas.

Entered this 9th day of June, 2009.

TEXAS BOARD OF NURSING

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 561822 and
Vocational Nurse License Number 122496
Issued to Judith Rose Bingham
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of June, 2009, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Judith Rose Bingham
607 SE 3rd Street
Seminole, Texas 79360

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

May 5, 2009

Certified Mail No. 7008 1830 0004 1634 8186
Return Receipt Requested

Judith Rose Bingham
607 SE 3rd Street
Seminole, Texas 79360

U.S. Postal Service
CERTIFIED MAIL
 (Domestic Mail Only)
 For delivery information visit usps.com
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Total Postage & Fees	\$

Sent To _____
 Street, Apt. No., or PO Box No. _____
 City, State, ZIP+4 _____

7008 1830 0004 1634 8186
 PS Form 3800, August 2006

Dear Ms. Bingham:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Carolyn Schooley, RN, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license or multistate privilege to practice professional nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Carolyn Schooley, RN, Investigator, Enforcement Division, at the above address, or at (512) 305-6861.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/cs

Enclosure: Formal Charges

09/99-DA

Members of the Board

- Linda Rounds, PhD, FNP, RN
Galveston, *President*
- Deborah Bell, CLU, ChFC
Abilene
- Kristin Benton, MSN, RN
Austin
- George Buchenau, Jr., BSN, RN, MBA
Amarillo
- Patricia Clapp, BA
Dallas
- Sheri Crosby, JD
Dallas
- Marilyn Davis, BSN, RN, MPA
Sugar Land
- Blanca Rosa Garcia, PhD, RN
Corpus Christi
- Richard Gibbs, LVN
Mesquite
- Rachel Gomez, LVN
Harlingen
- Brenda Jackson, PhD, RN
San Antonio
- Beverley Jean Nutall, LVN
Bryan
- Mary Jane Salgado, MEd
Eagle Pass

In the Matter of Permanent § **BEFORE THE TEXAS**
Registered Nurse License Number 561822 §
and Vocational Nurse License Number 122496, §
issued to JUDITH ROSE BINGHAM, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JUDITH ROSE BINGHAM, is a Registered Nurse holding license number 561822, which is in current status at the time of this pleading, and Vocational Nurse holding license number 122496, 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 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 assess the vital signs and lung sounds of Resident MPI Number 179214 when the resident vomited forty (40) to fifty (50) ccs of "frothy material" via his mouth, nose and tracheostomy tube approximately thirty (30) minutes after Respondent administered the resident's medications via gastrostomy tube. Respondent was assisting the primary care nurse by administering the morning medications and did suction the resident, who had a history of aspirating which required frequent hospitalizations for aspiration pneumonia. Subsequently, an hour and fifteen (15) minutes later, the resident was transferred to University Medical Center, Lubbock, Texas, again with aspiration pneumonia, and expired on August 10, 2006, after the resident's family decided to remove ventilator support. Respondent's conduct was likely to injure the resident from clinical care decisions formulated based upon incomplete assessment information.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D),(1)(M)&(3)(A) and 217.12(1)(A),(1)(B)&(4).

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CHARGE II.

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 of Resident MPI Number 79214, as required. Respondent's conduct resulted in an inaccurate medical record.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D),(1)(M)&(3)(A) and 217.12(1)(A),(1)(B)&(4).

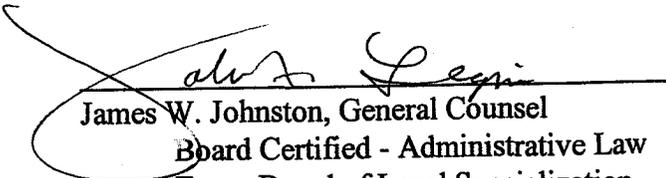
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

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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.state.tx.us.

Filed this 1st day of May, 2009.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6824

F: (512) 305-8101 or (512)305-7401

TEXAS BOARD OF NURSING
333 GUADALUPE, SUITE 3-460
AUSTIN, TEXAS 78701

RETURN RECEIPT
REQUESTED

MLW

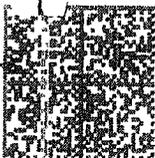


CERTIFIED MAIL™



ATTEMPTED NOT KNOWN

Judith Rose Bingham
607 SE 3rd Street
Seminole, Texas 79360



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