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*Patricia A. Roman*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of §  
Registered Nurse License Number 436651, §  
Multistate License Privilege Related to §  
North Carolina Registered Nurse License Number 041100, §  
and Multistate License Privilege Related to §  
Virginia Registered Nurse License Number 1049370, §  
issued to VERNA ELAINE BALLENGER, §  
a.k.a. VERNA McCLAY BALLENGER §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 436651, Multistate License Privilege related to North Carolina Registered Nurse License Number 041100, and Multistate License Privilege related to Virginia Registered Nurse License Number 1049370, issued to VERNA ELAINE BALLENGER, a.k.a. VERNA McCLAY BALLENGER, hereinafter referred to as Respondent. This action was taken in accordance with Sections 301.453(c) and 304, Articles 3 & 5, Texas Occupations Code.

Respondent waived representation by counsel, informal conference, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

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's license to practice professional nursing in the State of Texas is currently in "MSR Invalid" status, and Respondent's authorization as a Nurse Anesthetist in the State of

Texas is currently in "Inactive" status. Respondent's license to practice professional nursing in the State of Virginia is not currently active. Respondent is currently licensed to practice professional nursing in the State of North Carolina, a member of the Nurse Licensure Compact.

3. Respondent waived representation by counsel, informal conference, notice and hearing.
4. Respondent received a Diploma in Nursing from Rowan Memorial Hospital, Salisbury, North Carolina, on August 4, 1967, and received a Certificate as a Nurse Anesthetist from Norfolk General Hospital School of Anesthesia, Norfolk, Virginia, on September 12, 1973. Respondent was licensed to practice professional nursing in the State of North Carolina on October 30, 1967; was licensed to practice professional nursing in the State of Virginia on May 17, 1972; was licensed to practice professional nursing in the State of Texas on September 16, 1976; and became Board recognized as a Nurse Anesthetist in the State of Texas on May 14, 1986.

5. Respondent's nursing employment history includes:

08/1967 - 10/2002	Unknown	
11/2002 - 07/2003	Staff Nurse	Dallas County Health & Human Services Dallas, Texas
07/2003 - 03/2005	Staff Nurse	Vickery Towers Dallas, Texas
Unknown	Staff Nurse	Mimosa Manor Keller, Texas
01/2006 - 04/2006	Charge Nurse	North Pointe Nursing and Rehabilitation Watuga, Texas
05/2006 - Present	Unknown	

6. On or about August 14, 2008, Respondent was provided a proposed Agreed Order with a sanction of Remedial Education and which included, in relevant part, the following findings of fact:

On or about April 5, 2006, while employed as a Charge Nurse with North Pointe Nursing and Rehabilitation, Watuga, Texas, Respondent failed to appropriately intervene and document in the medical record of Resident VJ, who had sustained a fall and hit her head. Although Respondent performed an initial neurological assessment and obtained several sets of vital signs, she failed to document these assessments or any other information regarding the fall in the medical record of the resident, or initiate an incident report, as required. Respondent also

failed to notify the physician and family regarding the fall, as required, and failed to document regarding the fall in the twenty-four (24) hour report. It was not until the next day that the physician was notified and x-rays were obtained, which did not reveal any injuries. Respondent's conduct resulted in an incomplete medical record and was likely to injure the resident from care decisions made by subsequent care givers that may have been based upon inaccurate information.

The proposed Agreed Order included stipulations that Respondent complete courses in Texas nursing jurisprudence and ethics, nursing documentation, and "Sharpening Critical Thinking Skills."

7. On September 18, 2008, Respondent submitted a notarized statement to the Board stating that she destroyed her licence and is voluntarily surrendering her license and multistate privileges to practice professional nursing in the State of Texas. A copy of Respondent's notarized statement is attached and incorporated herein as part of this Order.

#### 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)&(1)(P) and 217.12(1)(A),(1)(B)&(4).
4. Under Section 301.453(c) and 304.001, Articles 3 & 5, Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license and multistate privileges to practice nursing in the State of Texas.
5. Under Section 301.453(d), and 304.001, Article 3, Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b) and 304.001, Articles 3, Texas Occupations Code, and 22 TAC §§ 213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 436651, Multistate License Privilege related to North Carolina Registered Nurse License Number 041100, and Multistate License Privilege related to Virginia Registered Nurse License Number 1049370 issued to VERNA ELAINE BALLENGER, a.k.a. VERNA McCLAY BALLENGER, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation RN, or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure or multistate privileges until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement of her license or multistate privileges, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

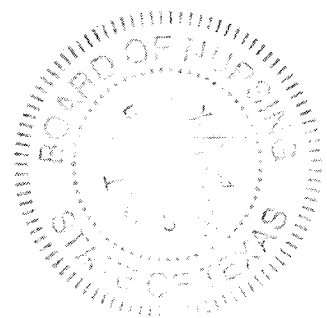
Effective this 26th day of September, 2008.

TEXAS BOARD OF NURSING

By:



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



Verna Elaine Ballenger  
3110 Westbury Way  
Jamestown, North Carolina 27282  
Texas Registered Nurse License #436651

Voluntary Surrender Statement

August 18, 2008

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse or have a nurse licensure compact privilege in the State of Texas. Accordingly, I voluntarily surrender my license and multistate privileges to practice professional nursing in Texas. I have previously shredded my license to practice professional nursing, which was issued to me by the State of Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time should I submit any petition for reinstatement.

Signature Verna Elaine McClary Ballenger  
Date 9/18/08  
Texas Nursing License Number Don't have it any more

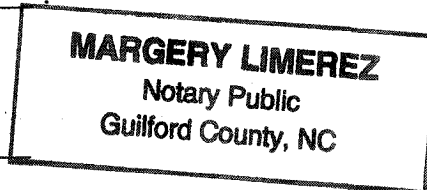
The State of North Carolina

Before me, the undersigned authority, on this date personally appeared Vera Elaine Ballenger who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 18<sup>th</sup> day of SEPTEMBER, 2008.

SEAL

Margery Limerz  
Notary Public in and for the State of NC



My Commission Expires March 07, 2009