



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 P. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse           §  
License Number 530302                       §  
issued to MARTHA KERSHAW                 §

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 Number 530302, issued to MARTHA KERSHAW, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

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

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

FINDINGS OF FACT

1. Respondent's license to practice professional nursing in the State of Texas is currently in inactive status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from San Jacinto College, Pasadena, Texas on December 1, 1985. Respondent was licensed to practice professional nursing in the State of Texas on March 21, 1986.
4. Respondent's complete professional nursing employment history is unknown.

5. On or about July 7, 2010, while holding a license as a Registered Nurse in the State of Texas, Respondent received a Decision and Order from the Board of Registered Nursing, Department of Consumer Affairs, State of California wherein Respondent's license to practice professional nursing in the State of California was Revoked with the revocation being Stayed and Respondent was placed on Probation for a period of three (3) years with stipulations for Incompetence and Unprofessional Conduct. A copy of the Decision and Order from the Board of Registered Nursing, Department of Consumer Affairs, State of California dated July 7, 2010 is attached and incorporated as a part of this pleading.
6. Formal Charges were filed on April 25, 2011. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
7. Formal Charges were mailed to Respondent on April 27, 2011.
8. On May 31, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated May 24, 2011, is attached and incorporated herein by reference 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 violation of Section 301.452(b)(8), Texas Occupations Code.
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), 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), 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 530302, heretofore issued to MARTHA KERSHAW, 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 until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 7<sup>th</sup> day of June, 2011.



TEXAS BOARD OF NURSING

By:



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

Martha Demeyere  
aka  
Martha Kershaw  
8480 Travis Court  
San Diego, California 92126  
Texas RN License #530302

Voluntary Surrender Statement

May 17, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in 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 I submit any petition for reinstatement.

Signature *Martha Demeyere*

Date 5/24/11

Texas Nursing License Number/s 530302

The State of Texas

Before me, the undersigned authority, on this date personally appeared MARTHA DEMEYERE aka as MARTHA KERSHAW 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 \_\_\_\_\_ day of \_\_\_\_\_, 2011.

SEAL

RA  
Notary Public in and for the State of California

Rajae Abothosa/Notary  
10606 Camino Ruiz, Suite 8  
San Diego, CA 92126  
Phone: 858-549-9909



California Notary  
is attached.

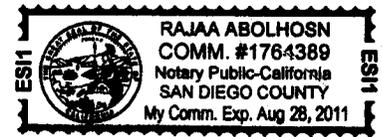
State of California )  
County of San Diego )

**CALIFORNIA JURAT**

Subscribed and sworn to (or affirmed) before me on this 24<sup>th</sup> day  
of May, 20 11, by Martha  
Demeyere

proved to me on the basis of satisfactory evidence to be the person(s)  
who appeared before me.

Signature [Handwritten Signature]



Seal

**OPTIONAL INFORMATION**

*Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.*

**Description of Attached Document**

This certificate is attached to a document titled/for the purpose of

Document from the state of  
Tx. Voluntary Surrender  
statement ~~concern~~ about  
an RN license # 530302

containing 1 pages, and dated 05/24/2011

Sworn statement

Additional Information	
<b>Method of Affiant Identification</b>	
Proved to me on the basis of satisfactory evidence: <input checked="" type="checkbox"/> form(s) of identification <input type="checkbox"/> credible witness(es)	
Notarial event is detailed in notary journal on: Page # <u>7</u> Entry # <u>6</u>	
Notary contact <u>Rajaa Abolhosn</u>	
Other <u>858-549-9989</u>	
<input type="checkbox"/> Affiant(s) Thumbprint(s)	<input type="checkbox"/> Describe: _____



## 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

April 26, 2011

Certified Mail No. 91 7108 2133 3939 3569 9146  
Return Receipt Requested

Martha (Kershaw) Demeyere  
8480 Travis Court  
San Diego, California 92126

Dear Ms. Demeyere:

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 James S. Smelser, 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(s) and/or nurse licensure compact privilege(s) to practice 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 James S. Smelser, Investigator, Enforcement Division, at the above address, or at (512) 305-6831.

Sincerely,

Katherine A. Thomas, MN, RN  
Executive Director

KAT/jss

Enclosure: Formal Charges

09/99-DA

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### Members of the Board

Linda Rounds, PhD, FNP, RN  
Galveston, President

Deborah Bell, CLU, ChFC Ablene	Kristin Benton, MSN, RN Austin	Patricia Clapp, BA Dallas	Tamara Cowen, MN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land
Blanca Rosa Garcia, PhD, RN	Richard Gibbs, LVN	Kathy Leader-Horn, LVN	Josefina Lujan, PhD, RN	Beverly Jean Nutall, LVN	Mary Jane Salgado, MED

**In the Matter of Permanent License  
Number 530302, Issued to  
MARTHA KERSHAW, Respondent**

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

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARTHA KERSHAW, is a Registered Nurse holding license number 530302, which is in inactive 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 July 7, 2010, while holding a license as a Registered Nurse in the State of Texas, Respondent received a Decision and Order from the Board of Registered Nursing, Department of Consumer Affairs, State of California wherein Respondent's license to practice professional nursing in the State of California was Revoked with the revocation being Stayed and Respondent was placed on Probation for a period of three (3) years with stipulations for Incompetence and Unprofessional Conduct. A copy of the Decision and Order from the Board of Registered Nursing, Department of Consumer Affairs, State of California dated July 7, 2010 is attached and incorporated as a part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license 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. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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).

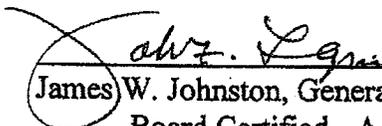
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Decision and Order from the Board of Registered Nursing, Department of Consumer Affairs, State of California dated July 7, 2010.

Filed this 25<sup>th</sup> day of April, 2011.

TEXAS BOARD OF NURSING

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

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

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

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

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

Attachments: Decision and Order from the Board of Registered Nursing, Department of Consumer Affairs, State of California dated July 7, 2010.

D/2010.12.28

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

**MARTHA L. DEMEYERE**  
8480 Travis Court  
San Diego, CA 92126

**Registered Nurse License No. 423406**

Respondent

Case No. 2010-6

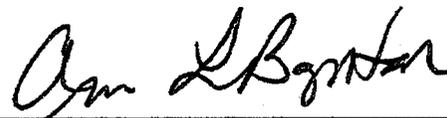
OAH No. 2009080724

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on July 7, 2010.

IT IS SO ORDERED June 7, 2010.



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President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 RITA M. LANE  
Deputy Attorney General  
4 State Bar No. 171352  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2614  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-6

12 **MARTHA L. DEMEYERE, RN**  
13 **8480 Travis Court**  
14 **San Diego, CA 92126**

OAH No. 2009080724

15 **Registered Nurse License No. 423406**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
22 Board of Registered Nursing. She brought this action solely in her official capacity and is  
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
24 by Rita M. Lane, Deputy Attorney General.

25 2. Respondent Martha L. Demeyere, RN is represented in this proceeding by attorney  
26 Deborah C. Brickner, whose address is 101 West Broadway, Suite 1110, San Diego, CA 92101.

27 3. On or about April 30, 1988, the Board of Registered Nursing issued Registered Nurse  
28 License No. 423406 to Martha L. Demeyere, RN (Respondent). The Registered Nurse License

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 2010-6  
2 and will expire on April 30, 2010, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2010-6 was filed before the Board of Registered Nursing (Board),  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on July 14,  
7 2009. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of  
8 Accusation No. 2010-6 is attached as Exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 2010-6. Respondent has also carefully read, fully  
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
13 Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
16 the witnesses against her; the right to present evidence and to testify on her own behalf; the right  
17 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
18 documents; the right to reconsideration and court review of an adverse decision; and all other  
19 rights accorded by the California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. 2010-6.

25 9. Respondent agrees that her Registered Nurse License is subject to discipline and she  
26 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order  
27 below.

28 ///

CONTINGENCY

1  
2       10. This stipulation shall be subject to approval by the Board of Registered Nursing.  
3 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
4 Registered Nursing may communicate directly with the Board regarding this stipulation and  
5 settlement, without notice to or participation by Respondent or her counsel. By signing the  
6 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
7 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
8 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
9 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
10 action between the parties, and the Board shall not be disqualified from further action by having  
11 considered this matter.

12       11. The parties understand and agree that facsimile copies of this Stipulated Settlement  
13 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
14 effect as the originals.

15       12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
16 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
17 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
18 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
19 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
20 writing executed by an authorized representative of each of the parties.

21       13. In consideration of the foregoing admissions and stipulations, the parties agree that  
22 the Board may, without further notice or formal proceeding, issue and enter the following  
23 Disciplinary Order:

DISCIPLINARY ORDER

24  
25       IT IS HEREBY ORDERED that Registered Nurse License No. 423406 issued to  
26 Respondent Martha L. Demeyere, RN is revoked. However, the revocation is stayed and  
27 Respondent is placed on probation for three (3) years on the following terms and conditions.

28       ///

1           **Severability Clause.** Each condition of probation contained herein is a separate and  
2 distinct condition. If any condition of this Order, or any application thereof, is declared  
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
5 and enforceable to the fullest extent permitted by law.

6           1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws. A  
7 full and detailed account of any and all violations of law shall be reported by Respondent to the  
8 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
9 compliance with this condition, Respondent shall submit completed fingerprint forms and  
10 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
11 as part of the licensure application process.

12           **Criminal Court Orders:** If Respondent is under criminal court orders, including  
13 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
14 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

15           2.       **Comply with the Board's Probation Program.** Respondent shall fully  
16 comply with the conditions of the Probation Program established by the Board and cooperate with  
17 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
18 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
19 more than 15 days of any address change and shall at all times maintain an active, current license  
20 status with the Board, including during any period of suspension.

21           Upon successful completion of probation, Respondent's license shall be fully restored.

22           3.       **Report in Person.** Respondent, during the period of probation, shall  
23 appear in person at interviews/meetings as directed by the Board or its designated representatives.

24           4.       **Residency, Practice, or Licensure Outside of State.** Periods of residency  
25 or practice as a registered nurse outside of California shall not apply toward a reduction of this  
26 probation time period. Respondent's probation is tolled, if and when she resides outside of  
27 California. Respondent must provide written notice to the Board within 15 days of any change of  
28 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
3000 VHS - P BR 1:15  
2010.11.20

1 returning to practice in this state.

2 Respondent shall provide a list of all states and territories where she has ever been licensed  
3 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
4 information regarding the status of each license and any changes in such license status during the  
5 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
6 license during the term of probation.

7 **5. Submit Written Reports.** Respondent, during the period of probation,  
8 shall submit or cause to be submitted such written reports/declarations and verification of actions  
9 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
10 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
11 Program. Respondent shall immediately execute all release of information forms as may be  
12 required by the Board or its representatives.

13 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
14 state and territory in which she has a registered nurse license.

15 **6. Function as a Registered Nurse.** Respondent, during the period of  
16 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
17 hours per week for 6 consecutive months or as determined by the Board.

18 For purposes of compliance with the section, "engage in the practice of registered nursing"  
19 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
20 non-direct patient care position that requires licensure as a registered nurse.

21 The Board may require that advanced practice nurses engage in advanced practice nursing  
22 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

23 If Respondent has not complied with this condition during the probationary term, and  
24 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
25 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
26 extension of Respondent's probation period up to one year without further hearing in order to  
27 comply with this condition. During the one year extension, all original conditions of probation  
28 shall apply.

1                   7.       **Employment Approval and Reporting Requirements.** Respondent shall  
2 obtain prior approval from the Board before commencing or continuing any employment, paid or  
3 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
4 performance evaluations and other employment related reports as a registered nurse upon request  
5 of the Board.

6                   Respondent shall provide a copy of this Decision to her employer and immediate  
7 supervisors prior to commencement of any nursing or other health care related employment.

8                   In addition to the above, Respondent shall notify the Board in writing within seventy-two  
9 (72) hours after she obtains any nursing or other health care related employment. Respondent  
10 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
11 separated, regardless of cause, from any nursing, or other health care related employment with a  
12 full explanation of the circumstances surrounding the termination or separation.

13                   8.       **Supervision.** Respondent shall obtain prior approval from the Board  
14 regarding Respondent's level of supervision and/or collaboration before commencing or  
15 continuing any employment as a registered nurse, or education and training that includes patient  
16 care.

17                   Respondent shall practice only under the direct supervision of a registered nurse in good  
18 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
19 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
20 approved.

21                   Respondent's level of supervision and/or collaboration may include, but is not limited to the  
22 following:

23                   (a)   Maximum - The individual providing supervision and/or collaboration is present in  
24 the patient care area or in any other work setting at all times.

25                   (b)   Moderate - The individual providing supervision and/or collaboration is in the patient  
26 care unit or in any other work setting at least half the hours Respondent works.

27                   (c)   Minimum - The individual providing supervision and/or collaboration has person-to-  
28 person communication with Respondent at least twice during each shift worked.

1 (d) Home Health Care - If Respondent is approved to work in the home health care  
2 setting, the individual providing supervision and/or collaboration shall have person-to-person  
3 communication with Respondent as required by the Board each work day. Respondent shall  
4 maintain telephone or other telecommunication contact with the individual providing supervision  
5 and/or collaboration as required by the Board during each work day. The individual providing  
6 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
7 patients' homes visited by Respondent with or without Respondent present.

8 9. **Employment Limitations.** Respondent shall not work for a nurse's  
9 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
10 traveling nurse, or for an in-house nursing pool.

11 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
12 registered nursing supervision and other protections for home visits have been approved by the  
13 Board. Respondent shall not work in any other registered nursing occupation where home visits  
14 are required.

15 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
16 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
17 and/or unlicensed assistive personnel on a case-by-case basis.

18 Respondent shall not work as a faculty member in an approved school of nursing or as an  
19 instructor in a Board approved continuing education program.

20 Respondent shall work only on a regularly assigned, identified and predetermined  
21 worksite(s) and shall not work in a float capacity.

22 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
23 request documentation to determine whether there should be restrictions on the hours of work.

24 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall  
25 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
26 than six months prior to the end of her probationary term.

27 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
28 Respondent shall submit to the Board the original transcripts or certificates of completion for the

1 above required course(s). The Board shall return the original documents to Respondent after  
2 photocopying them for its records.

3           11.     **Cost Recovery.** Respondent shall pay to the Board costs associated with  
4 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
5 amount of \$3,727.75. Respondent shall be permitted to pay these costs in a payment plan  
6 approved by the Board, with payments to be completed no later than three months prior to the end  
7 of the probation term.

8           If Respondent has not complied with this condition during the probationary term, and  
9 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
10 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
11 extension of Respondent's probation period up to one year without further hearing in order to  
12 comply with this condition. During the one year extension, all original conditions of probation  
13 will apply.

14           12.     **Violation of Probation.** If Respondent violates the conditions of her  
15 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside  
16 the stay order and impose the stayed discipline (revocation) of Respondent's license.

17           If during the period of probation, an accusation or petition to revoke probation has been  
18 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
19 an accusation or petition to revoke probation against Respondent's license, the probationary  
20 period shall automatically be extended and shall not expire until the accusation or petition has  
21 been acted upon by the Board.

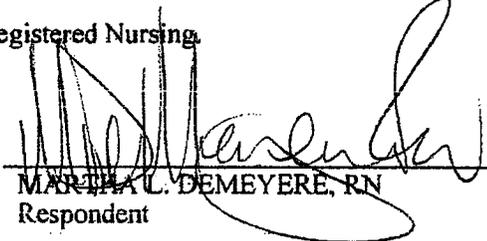
22           13.     **License Surrender.** During Respondent's term of probation, if she ceases  
23 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
24 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
25 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
26 take any other action deemed appropriate and reasonable under the circumstances, without further  
27 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no  
28 longer be subject to the conditions of probation.

1 Surrender of Respondent's license shall be considered a disciplinary action and shall  
2 become a part of Respondent's license history with the Board. A registered nurse whose license  
3 has been surrendered may petition the Board for reinstatement no sooner than the following  
4 minimum periods from the effective date of the disciplinary decision:

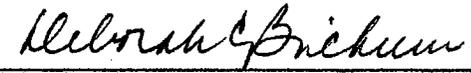
- 5 (1) Two years for reinstatement of a license that was surrendered for any reason other  
6 than a mental or physical illness; or  
7 (2) One year for a license surrendered for a mental or physical illness.

8 ACCEPTANCE

9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
10 discussed it with my attorney, Deborah C. Brickner. I understand the stipulation and the effect it  
11 will have on my Registered Nurse License. I enter into this Stipulated Settlement and  
12 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
13 Decision and Order of the Board of Registered Nursing.

14  
15 DATED: 3/11/10   
16 MARTHA L. DEMEYERE, RN  
17 Respondent

18 I have read and fully discussed with Respondent Martha L. Demeyere, RN the terms and  
19 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
20 I approve its form and content.

21 DATED: 3.11.10   
22 DEBORAH C. BRICKNER  
23 Attorney for Respondent

24  
25 ///  
26 ///  
27 ///  
28 ///

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 3-11-10

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General

  
RITA M. LANE  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 2010-6**

YOUNG & RUBICAM  
YOUNG & RUBICAM

NY 100-2-LW 117

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 RITA M. LANE  
Deputy Attorney General  
4 State Bar No. 171352  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2614  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12 **MARTHA L. DEMEYERE, RN**  
13 **8480 Travis Court**  
14 **San Diego, CA 92126**  
15 **Registered Nurse License No. 423406**  
16 **Respondent.**

Case No. **2010-6**  
**ACCUSATION**

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about April 30, 1988, the Board of Registered Nursing issued Registered Nurse  
24 License Number 423406 to Martha L. Demeyere (Respondent). The Registered Nurse License  
25 was in full force and effect at all times relevant to the charges brought herein and will expire on  
26 April 30, 2010, unless renewed.

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1 (2) Formulates a care plan, in collaboration with the client, which ensures  
2 that direct and indirect nursing care services provide for the client's safety,  
3 comfort, hygiene, and protection, and for disease prevention and restorative  
4 measures.

5 (3) Performs skills essential to the kind of nursing action to be taken,  
6 explains the health treatment to the client and family and teaches the client and  
7 family how to care for the client's health needs.

8 (4) Delegates tasks to subordinates based on the legal scopes of practice of  
9 the subordinates and on the preparation and capability needed in the tasks to be  
10 delegated, and effectively supervises nursing care being given by subordinates.

11 (5) Evaluates the effectiveness of the care plan through observation of the  
12 client's physical condition and behavior, signs and symptoms of illness, and  
13 reactions to treatment and through communication with the client and health team  
14 members, and modifies the plan as needed.

15 (6) Acts as the client's advocate, as circumstances require, by initiating  
16 action to improve health care or to change decisions or activities which are against  
17 the interests or wishes of the client, and by giving the client the opportunity to  
18 make informed decisions about health care before it is provided.

### 19 COST RECOVERY

20 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
21 administrative law judge to direct a licentiate found to have committed a violation or violations of  
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case.

### 24 STATEMENT OF FACTS

25 10. Patient D.D., a 61 year old African-American female, was admitted to the Intensive  
26 Care Unit (ICU) at University of California, San Diego (UCSD), Medical Center, from June 5,  
27 2003 to July 4, 2003 with multiple medical problems. She had a history of morbid obesity (325  
28 pounds) with some disability. Patient D.D.'s medical records indicate that patient D.D. had been  
sitting in a chair for two straight days prior to being admitted to the hospital. Her medical records  
also note that patient D.D.'s skin was intact on admission to the ICU.

11. On June 7, 2003, patient D.D. was placed in a Bariatric bed (adjustable bed for larger,  
overweight patients).

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1 12. On June 8, 2003, in the Physician Progress Notes, patient D.D. was diagnosed with  
2 Deep Vein Thrombosis.

3 13. On June 9, 2003, ankle blisters and lower extremity bullae (blisters) were noted in the  
4 Physician Progress Notes for patient D.D. Later that day, patient D.D. underwent surgery for  
5 incision and drainage of an abscess of the medial left leg, exploratory fasciotomies medial and  
6 lateral left leg and aspiration of the ankle joint.

7 14. On June 10, 2003, from 7:00 p.m. to June 11, 2003 at 7:00 a.m., Respondent took  
8 care of patient D.D. while she was in the ICU.

9 15. On June 11, 2003, the first documentation of a Stage I skin tear on patient D.D.'s  
10 coccyx was noted on the skin diagram on the Nursing ICU flow sheet. Patient D.D. was assessed  
11 as a low risk under the Braden Skin Risk Assessment scale for predicting pressure ulcer risk. An  
12 Allevyn dressing was applied at that time.

13 16. On June 12, 2003, a skin tear on the right buttock was listed as a Stage 2 pressure  
14 ulcer on the Nursing ICU flow sheet. That day, patient D.D. was assessed as a high risk using the  
15 Braden Skin Risk Assessment scale.

16 **FIRST CAUSE FOR DISCIPLINE**

17 (Incompetence)

18 17. Respondent is subject to disciplinary action under section Code section 2761,  
19 subdivision (a)(1), on the grounds of unprofessional conduct, in that on her shift from 7:00 p.m.  
20 on June 10, 2003 to 7:00 a.m. on June 11, 2003, Respondent was incompetent in her care of  
21 patient D.D. within the meaning of Regulation 1443, as follows:

22 18. Respondent failed to develop care plans or follow through with preventative nursing  
23 care interventions to follow up on patient D.D.'s Braden Scale Score of 12, which is defined as  
24 high risk for developing pressure ulcers, to prevent further skin integrity deterioration.

25 19. Under the "Equipment" section of the "Shift Assessment," Respondent documented  
26 patient D.D. was on a Contoura bed. This bed was not a pressure relieving bed but instead a  
27 bariatric bed. Respondent was unfamiliar with the standard of practice for using specialty beds.  
28 Respondent lacked knowledge in the specialty bed area because she failed to demonstrate she

1 understood the difference between a "bariatric bed" and a "specialty bariatric bed." There was a  
2 lack of training and lack of information concerning assessment and identification on the use of a  
3 specialty bed. This placed patient D.D. at increased risk for the development of pressure ulcers  
4 because she did not have pressure relief and she was not turned while in bed, leading to the  
5 development of pressure ulcers.

## 6 SECOND CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct)

8 20. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),  
9 on the grounds of unprofessional conduct, in that on her shift from 7:00 p.m. on June 10, 2003 to  
10 7:00 a.m. on June 11, 2003, Respondent committed acts constituting negligence in her care of  
11 patient D.D. as follows

12 21. On the ICU flow sheet, under the "Treatment/Procedures" area, under the  
13 "Reassessment/Condition section, Respondent left it blank for patient D.D. Below this area,  
14 Respondent wrote "bath" and "skn" at 12 midnight. Respondent did not document "pericare" of  
15 the patient during her shift. Respondent failed to document that she reassessed the condition of  
16 patient D.D. during the shift and did not document all care given on the flow sheet. Respondent's  
17 conduct was negligent in her assessing, inspecting and planning to protect patient D.D. from skin  
18 breakdown.

19 22. In the "Shift Assessment" section, in the "Integumentary" section, Respondent  
20 documented that patient D.D.'s skin condition and mucous membranes were "warm and dry."  
21 Respondent failed to document patient D.D.'s skin integrity and did not document skin  
22 assessment on her shift, despite the medical staff documenting concerns about patient D.D.'s  
23 edema, circulation and lung volume issues, leg wound drainage, pain, and concerns about  
24 infection and dehydration; all factors that contribute to breakdown in skin integrity. Respondent  
25 did not make an assessment of the notations on the body chart during her shift and did not  
26 document potential or actual skin breakdown. Respondent did not implement or develop skin  
27 precautions or interventions.



1           2.     Ordering Martha L. Demeyere to pay the Board of Registered Nursing the reasonable  
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
3 Code section 125.3; and

4           3.     Taking such other and further action as deemed necessary and proper.

5  
6 DATED:       - 18 / 09      

*Ruth Ann Terry*

RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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