

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse License Number 660580 § AGREED  
and Vocational Nurse License Number 163837 §  
issued to MARTHA SUE BROWN § ORDER



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

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 660580 and Vocational Nurse License Number 163837, issued to MARTHA SUE BROWN, 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, and agreed to the entry of this Order.

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 provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent holds a license to practice professional and vocational nursing in the State of Texas, which are both currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from McLennan Community College, Waco, Texas, on August 14, 1997, and an Associates Degree in Nursing from McLennan Community College, Waco, Texas, on May 1, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on September 12, 1997, and Respondent was licensed to practice professional nursing in the State of Texas on June 17, 1999.
5. Respondent's employment history is unknown.

6. On or about August 24, 2007, Respondent was issued the sanction of FINE WITH REMEDIAL EDUCATION by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated August 24, 2007, is attached and incorporated, by reference, as part of this Order.

7. On or about August 25, 2008, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on August 24, 2007. Noncompliance is the result of her failure to comply with Stipulation Number Two (2) of the order which reads, in pertinent part:

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence.

A copy of the August 24, 2007, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

8. On or about August 25, 2008, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on August 24, 2007. Noncompliance is the result of her failure to comply with Stipulation Number Three (3) of the order which reads, in pertinent part:

(3)RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics.

A copy of the August 24, 2007, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order

9. On or about August 25, 2008, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on August 24, 2007. Noncompliance is the result of her failure to comply with Stipulation Number Four (4) of the order which reads, in pertinent part:

(4)RESPONDENT SHALL pay a monetary fine in the amount of Seven Hundred Fifty Dollars (\$750.00).

A copy of the August 24, 2007, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order

10. On or about September 15, 2009, Respondent entered a plea of No Contest and was convicted of POSSESSION DANGEROUS DRUG (a Class A Misdemeanor offense committed on September 2, 2007), in the County Court of Hardin County, Texas, under Cause Number 57918. As a result of the conviction, Respondent was sentenced to confinement in the Hardin County Jail for a period of eleven (11) days, with elevens (11)

days credit given. Additionally, Respondent was ordered to pay court costs.

11. In response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent states: On Sunday, September 2, 2007, she was pulled over on Hwy 69 in Kountze, Texas, for failure to use her turn signal. The officer asked if he could search her car. She said "Yes". He found a yellow bottle in her purse which contained 1 1/2 , 15mg Remeron tabs and 4 or 5, 150mg Trazadone tabs. These medications were samples from 2 years ago. She got from Dr Tony Payson in Waco, Texas. She no longer takes them but still has the packet for Remeron. Although she identified both medications, the officer believed the Trazadone was Soma. She was arrested for two counts of possession of dangerous drugs, and taken to jail. Her boyfriend's car was impounded. She was bonded out of jail. She made the soonest appointment she could to see the District Attorney, in an effort to get the charges dropped. His investigator wanted her to obtain the date, quantity and information from the doctor. Dr. Payson's office had not recorded this information. She was then advised to obtain an attorney. The court appointed attorney is Bryan Laine. She had a court date set for January 30th. She has tried to comply with the guidelines given. Regarding the fine from October 2007, She remains unemployed , with no income. She sincerely hope this matter can be resolved in her favor, so she can obtain employment in her profession.
12. Formal Charges were filed on October 7, 2010
13. Formal Charges were mailed to Respondent on October 19, 2010.
14. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
15. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
16. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### 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)(effective 9/1/2007) and Section 301.452(b)(10)(effective 9/1/2009), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 660580 and Vocational Nurse License Number 163837, heretofore issued to MARTHA SUE BROWN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered License Number 660580 and Vocational License Number 163837, heretofore issued to MARTHA SUE BROWN, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/vocational nursing, use the title "registered/vocational nurse" or the abbreviation "RN"/"LVN" or wear any insignia identifying herself as a registered/vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered/vocational 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 nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

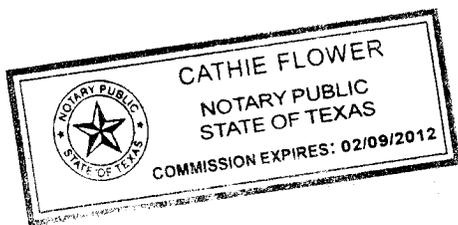
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 21 day of April, 2011.

Martha Sue Brown  
MARTHA SUE BROWN, Respondent

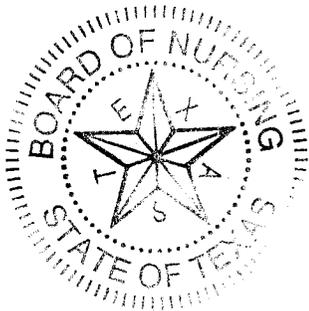
Sworn to and subscribed before me this 21 day of April, 2011.

SEAL



Cathie Flower  
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 accept the voluntary surrender of Registered Nurse License Number 660580 and Vocational Nurse License Number 163837, previously issued to MARTHA SUE BROWN.



Effective this 29th day of April, 2011.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

\*\*\*\*\*

In the Matter of Professional License Number 660580     §     AGREED  
and Vocational License Number 163837  
issued to MARTHA SUE BROWN                             §     ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MARTHA SUE BROWN, Registered Nurse License Number 660580 and Vocational Nurse License Number 163837, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Articles 4525(b)(2), Revised Civil Statutes of Texas, as amended and Article 4528(c) §10(a)(2). Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 2, 2006, 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 conference, 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 currently in "delinquent" status.
4. Respondent received a Certificate in Vocational Nursing from McLennan Community College, Waco, Texas, on August 14, 1997, and received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 17, 1999. Respondent was

licensed to practice vocational nursing in the State of Texas on September 12, 1997, and professional nursing in the State of Texas, on June 17, 1999.

5. Respondent's complete nursing employment history is unknown.
6. On or about July 14, 1997, Respondent submitted an application for vocational nursing in the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

"Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

On or about September 15, 1978, Respondent was convicted of Driving While Intoxicated. Respondent was sentenced to six (6) months probation and assessed a Fine in the amount of three hundred thirty-eight dollars (\$338.00).

7. On or about May 19, 1999, Respondent submitted an application for professional nursing in the State of Texas in which she provided false, deceptive, and/or misleading information, in that she attested to the truth of the following statement:

" I, the applicant understand the requirements for licensure and I  
(1) have never been convicted of any crime other than a minor traffic violation"

On or about September 15, 1978, Respondent was convicted of Driving While Intoxicated. Respondent was sentenced to six (6) months probation and assessed a Fine in the amount of three hundred thirty-eight dollars (\$338.00).

8. On or about January 23, 2003, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

Since issuance or last renewal, have you plead guilty (including no contest plea) been found guilty or convicted of any felony or misdemeanor other than a minor traffic violation? (Note: DWI, or DUI, including first offenses, are not considered minor traffic violations)."

On or about March 15, 2001, Respondent was convicted of Driving While Intoxicated, Class B Misdemeanor, in the County Court at Law, Waco, Texas, Cause # 20004121CR1. Respondent was sentenced to one hundred twenty days (120) confinement in the McLennan County jail and assessed a Fine in the amount of two thousand dollar (\$2,000.00), with jail sentence suspended and placed on eighteen (18) months probation.

#### 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 Articles 4528(c) §10(a)(2), and 4525(b)(2), TEX. REV. CIV. STAT. ANN.
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 660580 and Vocational Nurse License Number 163837, heretofore issued to MARTHA SUE BROWN, including revocation of Respondent's license to practice professional and vocational nursing in the State of Texas.

### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional and Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 professional and vocational 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 deliver the wallet-sized license issued to MARTHA SUE

BROWN to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. 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) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 on the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a

Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).*

(4) RESPONDENT SHALL pay a monetary fine in the amount of Seven Hundred Fifty Dollars (\$750.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners 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, RESPONDENT SHALL be issued an unencumbered licenses and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21 day of August, 2007.

Martha Sue Brown  
MARTHA SUE BROWN, Respondent

Sworn to and subscribed before me this 21 day of August, 2007

SEAL

Lesia Jones  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 21st day of August, 2007, by MARTHA SUE BROWN, Registered Nurse License Number 660580 and Vocational Nurse License Number 163837, and said Order is final.

Effective this 24th day of August, 2007.



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