BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 618356	§	
issued to CHARLENE RENE MARTIN	§	ORDER

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.

Executive Director of the Board

On this day, the Texas Board of Nursing, hereinafter referred to as the Boai accepted the voluntary surrender of Registered Nurse License Number 618356, issued to CHARLENE RENE MARTIN, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived 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 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.

4. Respondent received an Associate Degree in Nursing from North Harris County Community College, Houston, Texas, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on June 27, 1995.

5. Respondent's professional nursing employment history includes:

   07/95 - 04/02 Unknown

Respondent's professional nursing employment history continued:

05/02 - 05/03	Staff RN	Santa Rosa Hospital San Antonio, Texas
03/03 - 04/04	Staff RN	Lone Star Nursing San Antonio, Texas
05/03 - 04/04	Staff RN	Methodist Hospital San Antonio, Texas
06/04 - 10/07	Staff RN	Care Staff Austin, Texas
07/04 - 09/06	Staff RN	The Oaks Treatment Center Austin, Texas
11/06 - 12/06	Staff RN	Austin Surgical Hospital Austin, Texas
12/06 - 10/07	Staff RN	D&S Residential Services Austin, Texas
12/07 - 02/10	Staff RN	Seton Shoal Creek Hospital Austin, Texas
03/10 - Present	Unknown	

6. On or about February 13, 2008, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated February 13, 2008, is attached and incorporated, by reference, as part of this Order.

7. On or about January 26, 2009, while employed with Seton Shoal Creek Hospital, Austin, Texas, and participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate use of alcohol in that she submitted a specimen for a drug screen which resulted positive for alcohol. The use of alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. On or about February 2, 2009, while employed with Seton Shoal Creek Hospital, Austin, and participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate use of alcohol in that she submitted a specimen for a drug screen which resulted positive for alcohol. The use of alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

9. On or about January 26, 2009, and February 2, 2009, while employed with Seton Shoal Creek Hospital, Austin, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on February 13, 2008. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract, in that she engaged in the intemperate use of alcohol as evidenced by her submission of specimens for drug screens which resulted positive for alcohol, as outlined in Findings of Fact Numbers Seven (7) and Eight (8), and her subsequent admission to such intemperate use since November 2008. Stipulation Number Three (3) of the Order dated February 13, 2008, states:

"(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term."

10. On or about July 7, 2009, while employed with Seton Shoal Creek Hospital, Austin, Texas, Respondent incorrectly documented a physician's order for Abilify 5mg in that she wrote the order on the Medication Administration Record (MAR) for Patient Medical Record Number 92404 who was not the correct patient. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in the patient suffering from adverse reactions.

11. On or about December 10, 2009, while employed with Seton Shoal Creek Hospital, Austin, Texas, Respondent administered Ativan 2mg IM to Patient Medical Record Number 94208 in a manner inconsistent with physician's order. The physician's order was for "Ativan 2mg IM if CIWA score is 16 or higher and patient cannot tolerate PO med." Respondent administered Ativan 2mg IM at 0800 even though she also administered Librium 75mg PO at 0800. Respondent's conduct was likely to injure the patient in that the administration of Ativan in a manner inconsistent with physician's order could result in the patient suffering from adverse reactions.

12. On or about January 22, 2010, while employed with Seton Shoal Creek Hospital, Austin, Texas, Respondent administered Zyprexa 10mg IM to Patient Medical Record Number 92663 in a manner that was inconsistent with physician's order. The physician's order was for "Zyprexa 10mg IM once a day if patient refuses PO Risperdal." Respondent administered Zyprexa 10mg IM at 0900 even though the dosage was not due until bedtime.

Patient was administered PO Risperdal at 2100 by a care giver on a subsequent shift. In addition, Respondent was not assigned to care for the patient. Respondent's conduct was likely to injure the patient in that the administration of Zyprexa a manner inconsistent with physician's order could result in the patient suffering from adverse reactions.

13. On or about February 3, 2010, while employed with Seton Shoal Creek Hospital, Austin, Texas, Respondent incorrectly documented a physician's order for Lisinopril 10mg in that she wrote the order on the Medication Administration Record (MAR) for Patient Medical Record Number 69657 who was not the correct patient. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in the patient suffering from adverse reactions.

14. On or about February 3, 2010, while employed with Seton Shoal Creek Hospital, Austin, Texas, Respondent administered Lisinopril 10mg to Patient Medical Record Number 69657 without a valid physician's order. Respondent's conduct was likely to injure the patient in that the administration of Lisinopril without a valid physician's order could result in the patient suffering from adverse reactions.

15. On or about February 3, 2010, while employed with Seton Shoal Creek Hospital, Austin, Texas, Respondent falsified facility records in that she altered the time of a physician's order for Lisinopril 10mg from 1230 to 1530 on Patient Medical Record Number 92748's chart without authorization. Respondent also falsely documented having completed the patient's chart check at 0800. Respondent's conduct created an inaccurate medical record.

16. On or about February 4, 2010, while employed with Seton Shoal Creek Hospital, Austin, Texas, Respondent falsified facility records in that she documented an unauthorized physician's order to discontinue Lisinopril 10mg on Patient Medical Record Number 69657's chart. Respondent's conduct created an inaccurate medical record.

17. Regarding the conduct outlined in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that she had a few drinks while off-duty in response to troubles she was then having with her husband. She states that she has ceased drinking and has continued in her recovery program despite being expelled from TPAPN. Respondent states that she is being treated by her psychiatrist for Type II Bipolar Disorder and her illness is well controlled through medication.

18. Formal Charges were filed on May 4, 2009.

19. Formal Charges were mailed to Respondent on May 6, 2009.

20. First Amended Formal Charges were filed on May 11, 2010.

21. First Amended Formal Charges were mailed to Respondent on May 12, 2010.

22. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.

23. 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.

24. 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 a violations of Section 301.452(b)(1), (9), (10), (12) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(C)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A), (4), (5), (6)(A)(H), (9), (10)(A)(B) & (11)(B).

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 618356, heretofore issued to CHARLENE RENE MARTIN, including revocation of Respondent's license 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 Nurse License Number 618356, heretofore issued to CHARLENE RENE MARTIN, 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 nursing, use the title "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; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

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.

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RESPONDENT'S CERTIFICATION

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

WILLIAM R. HARRIS
Notary Public
STATE OF TEXAS
My Comm. Exp. December 8, 2012

Signed this 4 day of Sept, 2010.

CHARLENE RENE MARTIN, Respondent

Sworn to and subscribed before me this 4 day of Sept, 2010.

SEAL

Notary Public in and for the State of TEXAS

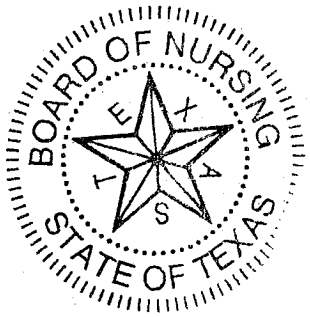
Approved as to form and substance.

DAN LYPE, Attorney for Respondent

Signed this 8 day of September, 2010.

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 618356, previously issued to CHARLENE RENE MARTIN.

Effective this 8th day of September, 2010.



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 618356	§	
issued to CHARLENE RENE MARTIN	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CHARLENE RENE MARTIN, Registered Nurse License Number 618356, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), (10) & (12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 25, 2008, 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.

4. Respondent received an Associate Degree in Nursing from North Harris County Community College, Houston, Texas, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on June 27, 1995.

5. Respondent's professional nursing employment history includes:

July 1995 - April 2002	Unknown

Respondent's professional nursing employment history continued:

May 2002 - May 2003	Staff RN Santa Rosa Hospital San Antonio, Texas
March 2003 - April 2004	Staff RN Lone Star Nursing San Antonio, Texas
May 2003 - April 2004	Staff RN Methodist Hospital San Antonio, Texas
June 2004 - Present	Staff RN Care Staff Austin, Texas
July 2004 - September 2006	Staff RN The Oaks Treatment Center Austin, Texas
November 2006 - December 2006	Staff RN Austin Surgical Hospital Austin, Texas

6. On or about March 18, 2005, while employed with The Oaks Treatment Center, Austin, Texas, Respondent was indicted for the offense of "Driving While Intoxicated," a Class B Misdemeanor (committed on January 17, 2005), in the Travis County Court at Law Number Three, Austin, Texas, Cause Number 0690592. On or about May 2, 2006, Respondent was convicted of the offense "Driving While Intoxicated," a Class B Misdemeanor, in the Travis County Court at Law Number Seven, Austin, Texas, Cause Number 690592. Respondent was sentenced to confinement for a period of one hundred twenty (120) days in the Travis County Jail and ordered to pay a fine in the amount of two thousand dollars ($2,000.00). The imposition of Respondent's sentence was suspended, and she was placed on community supervision for a period of eighteen (18) months with one thousand, seven hundred dollars ($1,700.00) of the foregoing fine probated. On November 15, 2007, Respondent successfully completed the terms of community supervision imposed for Cause Number 0690592.

7. On or about March 12, 2006, while employed with The Oaks Treatment Center, Austin, Texas, Respondent submitted an online 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:

"Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please not that DUI's, DWI's, PI's must reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "yes".)"

On or about March 18, 2005, while employed with The Oaks Treatment Center, Austin, Texas, Respondent was indicted for the offense "Driving While Intoxicated," a Class B Misdemeanor (committed on January 17, 2005), in the Travis County Court at Law Number Three, Austin, Texas, Cause Number 0690592.

8. On or about August 15, 2006, while employed with The Oaks Treatment Center, Austin, Texas, Respondent may have lacked fitness to practice professional nursing in that she was observed exhibiting signs of impaired behavior including, but not limited to, drooping eyes. Respondent was also observed as being hyper-verbal. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

9. On or about September 7, 2006, while employed with Oaks Treatment Center, Austin, Texas, Respondent may have lacked fitness to practice professional nursing in that she was observed exhibiting signs of impaired behavior including, but not limited to: slurred speech, scattered thoughts and jerky body movements. Respondent was also observed to be hyper-verbal and hyper-emotional. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

10. On or about December 1, 2006, while employed with Austin Surgical Hospital, Austin, Texas, Respondent may have lacked fitness to practice professional nursing in that she was observed exhibiting characteristics of impaired behavior including, but not limited to: slurred speech, unsteady gait and difficulty maintaining her balance. Respondent also was observed retrieving the wrong patient from the lobby for a procedure in the pain clinic. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

11. On or about December 1, 2006, while employed with Austin Surgical Hospital, Austin, Texas, Respondent engaged in the intemperate use of Ambien in that she admitted to such intemperate use. Possession of Ambien without a valid prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Ambien by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

13. 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.

14. Respondent has been under the care of a psychiatrist, Aida R. Coffey, M.D., since November 10, 2005, for treatment of Bipolar Disorder and Attention Deficit Disorder. In a letter to the Board, Respondent admits that she needs assistance and requests to be admitted into the Texas Peer Assistance Program for Nurses (TPAPN).

15. Respondent's conduct described in Findings of Fact Numbers Six (6) through Eleven (11) resulted from Respondent's impairment by dependency on chemicals and mental illness.

16. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(9), (10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E), (5), (6)(I), (10)(A), (11)(B) & (13).

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 618356, heretofore issued to CHARLENE RENE MARTIN, including revocation of Respondent's license to practice professional nursing in the State of Texas.

5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to CHARLENE RENE MARTIN, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

(5) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars ($250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check

or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to 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 privileges, if any, to practice 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and 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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and 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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11 day of February, 2008.

Charlene Rene Martin

CHARLENE RENE MARTIN, Respondent

Sworn to and subscribed before me this 11 day of February, 2008.

SEAL

Carisa Whitefield

Notary Public in and for the State of Texas

Carisa Whitefield
Notary Public
STATE OF TEXAS
My Comm. Exp. August 9, 2010

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 11th day of February, 20 08, by CHARLENE RENE MARTIN, Registered Nurse License Number 618356, and said Order is final.

Entered and effective this 13th day of February, 20 08.

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