

Respondent's nursing employment history continued:

9/1999 - 2/2001	Staff Nurse	Mercy Medical Center Chicago, Illinois
3/2001 - 12/2003	Staff Nurse	University of Illinois Medical Center Chicago, Illinois
8/2001 - 5/2006	Staff Nurse Charge Nurse	Saint Mary of Nazareth Hospital Chicago, Illinois
5/2006 - 6/2006		Unknown
7/2006 - 10/2007	Staff Nurse	Rio Grande Regional Hospital McAllen, Texas
11/2007 - 1/2008	Case Manager	Solara Hospital McAllen, Texas
1/2008 - 6/2008	Home Health Nurse	Heart to Heart Homecare McAllen, Texas
7/2008 - Present	Staff Nurse	Doctor's Hospital at Renaissance McAllen, Texas

6. At the time of the initial incident, Respondent was employed as a Home Health Nurse with Heart to Heart Homecare, McAllen, Texas, and had been in this position for two (2) months.
7. On or about March 6, 2008, while employed with Heart to Heart Homecare, McAllen Texas, Respondent documented conflicting information regarding the homebound status of Patient IG and failed to clarify with the physician if the patient was suitable for home health care. Respondent documented the patient was "independent" and checked "No" to homebound status, both of which are requirements for home health services. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have complete information on which to base their care decisions.
8. On or about April 18, 2008, while working with Heart to Heart Homecare, McAllen Texas, Respondent failed to perform the scheduled discharge assessment of Patient RS, which was necessary to complete the patient's medical record. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care givers would not have complete information on which to base their care decisions.

9. On or about May 5, 2008, through August 7, 2008, while working with Heart to Heart Homecare, McAllen Texas, Respondent failed to timely submit documentation of her scheduled skilled nursing visits for several patients. Respondent's conduct resulted in incomplete medical records and was likely to injure the patients in that subsequent care givers would not have complete information on which to base their care decisions.
10. On or about May 31, 2008, through June 1, 2008, while working with Heart to Heart Homecare, McAllen Texas, Respondent failed to perform an admission assessment of Patient AS, as scheduled. Respondent's conduct resulted in a delay in treatment for the patient and could have resulted in harm to the patient for the delay in treatment.
11. On or about June 2, 2008 while working with Heart to Heart Homecare, McAllen Texas, Respondent failed to provide a skilled nursing visit to obtain laboratory samples for Patient Medical Record Number GOMOT9001. Respondent's conduct was likely to injure the patient by not having the necessary lab reports to guide further medical care.
12. In response to the incidents in Findings of Fact Numbers Seven (7) through Eleven (11), Respondent admits that the conflicting information regarding the homebound status of Patient IG was clearly a typographical error on her part. Regarding the discharge assessment of Patient RS, Respondent states that she could not locate the patient for the visit. In response to not timely submitting the documentation of her visits, Respondent states she rectified the situation on August 7, 2008. Regarding Patient AS, Respondent indicates that she could not in good faith complete the visit because she believed the patient did not qualify for home care. In regards to Patient Number GOMOT9001, Respondent admits that she refused to conduct the visit unless the referral came directly from the physician, but states that a staff LVN performed the visit and delivered the lab specimens for the blood tests.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(N)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).
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 727971, heretofore issued to THERESA MARTINEZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS AND A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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 that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and 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. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception;

Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. 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 at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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 at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "OASIS Assessment and Reporting," a six (6) clock-hour workshop which is presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL obtain the Verification of Course Completion form available at the Board's website, <http://www.bon.state.tx.us/disciplinaryaction/pdfs/i17.pdf>, and SHALL SUBMIT the Verification of Course Completion form to the Board's office, to the attention of Monitoring, after having the form completed and signed by the course instructor. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following website:* <http://www.dads.state.tx.us/providers/training/oasis.cfm>.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address:* <http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Pre-Survey Conference Computer-Based Training" for Home and Community Support Services Agencies, a six (6) module program which provides a general overview of state

and federal licensure rules regarding home health care and which is presented by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the Pre-Survey Conference Attendance Verification form to the Board's office. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following website: <http://www.dads.state.tx.us/providers/hcssa/cbt/>.*

(6) 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, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(7) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a

complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(8) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(9) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice

nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

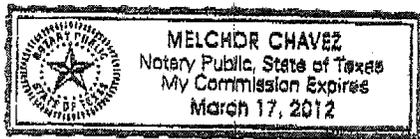
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of Aug, 2010.

Theresa Martinez
THERESA MARTINEZ, Respondent

Sworn to and subscribed before me this 16th day of August, 2010.

SEAL



[Signature]
Notary Public in and for the State of Texas

RESPONDENT'S CERTIFICATION

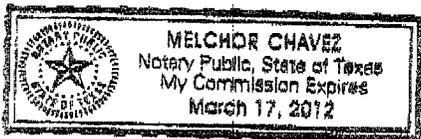
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of Aug, 2010.

Theresa Martinez
THERESA MARTINEZ, Respondent

Sworn to and subscribed before me this 16th day of August, 2010.

SEAL



Melchor Chavez

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of August, 2010, by THERESA MARTINEZ, Registered Nurse License Number 727971, and said Order is final.

Effective this 14 day of September, 2010.

Katherine A. Thomas

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

