BEFORE THE TEXAS BOARD OF NURSING

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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

In the Matter of Vocational Nurse	§
License Number 210183	§
issued to BARBARA ANN MARTINEZ	§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 210183, issued to BARBARA ANN MARTINEZ, 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 vocational nursing in the State of Texas is currently in "delinquent" status.

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

3. Respondent received a Certificate in Vocational Nursing from Frank Phillips College, Borger, Texas, on May 16, 2007. Respondent was licensed to practice vocational nursing in the State of Texas on June 12, 2007.

4. Respondent's nursing employment history includes:

06/2007 - 08/2007	Unknown	
09/2007 - 07/2009	Charge Nurse	Borger Healthcare Center Borger, Texas
08/2009 - Present	Unknown	

5. On or about July 1, 2009, while employed as a Charge Nurse with Borger Healthcare Center, Borger, Texas, Respondent failed to adequately assess and intervene while caring for Resident JS, who had been having episodes of emesis, and appeared to have vomited blood. When Respondent initially observed that the resident's emesis was brown-colored, she did not perform a focused assessment, and later, when the resident observed that there were bright red spots on the resident's linens and gown, she only checked the resident's abdomen for distention, but did not assess for bowel sounds or abdominal tenderness. Although Respondent notified the physician when she discovered that the resident had vomited bright red blood and received an order to transfer the resident to the hospital, she did not recognize that gastrointestinal bleeding is emergent, necessitating ambulance transport, and instead, sent the resident to the hospital via the facility van. Additionally, Respondent failed to accurately and completely document in the medical record of the resident, including her assessment data, except for vital signs, and all of her interventions. Respondent's conduct deprived the physician of information on which to base care decisions, exposed the resident to the risk of harm from clinical complications, including hemorrhaging and/or patient demise, and resulted in an incomplete, inaccurate medical record.

6. On August 24, 2010, Respondent returned Vocational Nurse License Number 210183 and submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's notarized statement, dated August 16, 2010, 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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D),(1)(M),(1)(P)&(2)(A) and 217.12(1)(A),(1)(B),(1)(C)&(4).

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.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 210183, heretofore issued to BARBARA ANN MARTINEZ, to practice vocational 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 vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

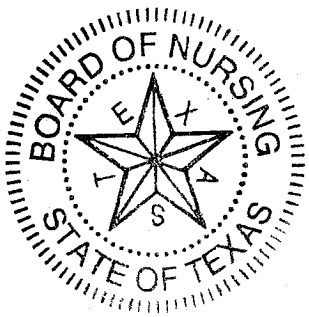
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.

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 vocational nursing in the State of Texas.

Effective this 24th day of August, 2010.

TEXAS BOARD OF NURSING



By: _____

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

Barbara Ann Martinez
815 N. Deahl #1
Borger, Texas 79007
Texas LVN License #210183

Voluntary Surrender Statement

August 9, 2010

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational 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 Barbara Martinez

Date 08/16/10

Texas Nursing License Number 210183

The State of Texas

Before me, the undersigned authority, on this date personally appeared Barbara Ann Martinez 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 16 day of August, 2010.

SEAL
GLENN OLEN REEVES
MY COMMISSION EXPIRES
September 27, 2012

Glenn Olen Reeves
Notary Public in and for the State of TX