




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

**BEFORE THE BOARD OF NURSING
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:
Sylvia Marin
LICENSE NO: R48201

RESPONDENT.

I certify this to be a true
record on file with the N
Board of Nursing.
Signed: 

DECISION AND ORDER

This matter having come before the New Mexico Board of Nursing ("BON") and a quorum being present and a majority voting in the affirmative, the BON finds as follow:

FINDINGS

1. The Respondent is licensed under the Nursing Practice Act, §61-3-1 et seq. N.M.S.A., and is subject to the jurisdiction of the BON.
2. A Notice of Contemplated Action was served on the Respondent in accordance with the Uniform Licensing Act, N.M.S.A. §61-1-1 et seq.,
3. Respondent was working at Casa Maria Health Care Center in Roswell, New Mexico. The facility stated that Respondent ordered staff members to physically restrain a resident with their bodies so she could draw blood. They also stated she called the resident a bitch and cussed at her. Respondent testified she had staff restrain patient, but not by lying across her body. She denied cussing at the patient.

CONCLUSIONS

The BON is authorized to revoke, suspend, reprimand or place on probation the Respondent's license for violations of §61-3-28 N.M.S.A. 1978.

ORDER

It is therefore ordered that Respondent's license is:

Placed on probation for 6 months under the following conditions; that Respondent take the following classes:

- a. professionalism/ethics
- b. resident's rights
- c. conflict resolution

These classes not to count toward regular CE requirements

Reprimanded

This order shall be applicable to applicant's/licensee's multistate licensure privilege, if any, to practice professional nursing in the State of New Mexico.

While applicant's/licensee's license is encumbered by this order, the applicant/licensee may not work outside the State of New Mexico pursuant to a multistate licensure privilege without the written permission of the State of New Mexico and the Board of Nursing in the party state where the applicant/licensee wishes to work.

8-13-09

DATE

TERRI FORTNER

TERRI FORTNER, CHAIRPERSON
NEW MEXICO BOARD OF NURSING

A person entitled to a hearing provided for in the Uniform Licensing Act (61-1-1 to 61-1-31, NMSA 1978), who is aggrieved by an adverse decision of a board issued after hearing, may obtain a review of the decision in district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978. Unless standing is further limited by a specific statute, a person aggrieved by a final decision may appeal the decision to district court by filing in district court a notice of appeal within thirty days of the date of filing of the final decision. The appeal may be taken to the district court for the county in which the agency maintains its principal office or the district court of any county in which a hearing on the matter was conducted. When notices of appeal from a final decision are filed in more than one district court, all appeals not filed in the district court in which the first appeal was properly filed shall be dismissed without prejudice. An appellant whose appeal was dismissed without prejudice pursuant to the provisions of this subsection shall have fifteen days after receiving service of the notice of dismissal to file a notice of appeal in the district court in which the first appeal was properly filed.

CERTIFIED MAIL NO: 70081140000425416474
RETURN RECEIPT REQUESTED

GUIDELINES FOR SELECTING EDUCATIONAL COURSES

Your Board Order requires you to successfully complete a course, or courses, to improve your nursing knowledge and/or skills. The Board Order also requires that the course, or courses, be pre-approved by the Executive Director of the Board of Nursing. The following information is provided to assist you in locating an appropriate course to meet your stipulation/probation conditions.

The Board of Nursing does not maintain a list of course providers. We suggest you contact nursing programs, continuing education departments of universities/colleges, online continuing education providers such as ANA, National Council of State Boards of Nursing (NCSBN), and/or clinical facilities in your area. A web search for nursing continuing education will provide you with many different options. The New Mexico Nurses Association, 505/471-3324, or a specialty nursing organization may also be a resource for locating a course. There are also a number of commercial continuing education providers including home study and video programs which may be acceptable to meet your stipulation/probation requirement.

CRITERIA FOR COURSE SELECTION

1. Course, or courses, must identify nurses as part of the target audience.
2. Academic courses must be offered at a level which would be acceptable for credit toward a nursing degree or graduate level program. A grade of C or better must be received on an academic course.
3. Nursing Jurisprudence courses must contain content on the Nursing Practice Act, Standards of Practice, and documentation of care. Courses which focus solely on malpractice issues will not be accepted.
4. Pharmacology courses must contain content on all major drug classification groups unless the Board's Order specifically directs you to complete a course, or courses, related to one group of drugs or a clinical area of practice.

SUBMITTING COURSES TO THE EXECUTIVE DIRECTOR FOR APPROVAL

Approval of a course, or courses, for meeting your stipulation/probation requirements must be received prior to taking the course. Requests for approval of a course, or courses, must be submitted, in writing, to the Executive Director of the Board of Nursing. Allow two (2) weeks for written verification that the course has been approved.

The following information must be submitted along with the request for approval.

1. Title of the course, or courses
2. Name of provider (institution, association/organization, university/college, etc.)
3. Continuing education approval agency, if any, and number of contact hours approved
4. Type of course; e.g. "live" program, home study, audio/video program, on-line or web-based
5. Location of course, if applicable
6. Course objectives
7. Course content
8. Date(s) of course

Submit information for approval to:

New Mexico Board of Nursing
Attn. Executive Director
6301 Indian School Rd. NE Suite 710
Albuquerque, New Mexico 87110


Questions regarding the Board's Order and/or stipulation/probation conditions should be directed to the Executive Director at the Board of Nursing – 505-841-9082

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BEFORE THE BOARD OF NURSING
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:
Sylvia Marin
License No. R42801

Respondent.

I certify this to be a true copy of the
records on file with the New Mexico
Board of Nursing.
Signed: 

NOTICE OF CONTEMPLATED ACTION

1. The Respondent is licensed under the Nursing Practice Act, NMSA 1978, §61-3-1 et seq., and is subject to the jurisdiction of the New Mexico Board of Nursing ("BON").
2. The BON has sufficient evidence which, if not rebutted or explained, will justify the BON in suspending or revoking or taking other action against the Respondent's license pursuant to NMSA 1978, §61-3-28.
3. The general nature of the allegations is contained in Exhibit 1 to this Notice of Contemplated Action.
4. Unless the Respondent within twenty days after service of this notice deposits in the mail a certified return receipts requested letter addressed to the BON at the address below containing a request for hearing, the BON will take the contemplated action.

61-1-8. Rights of person entitled to hearing.

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the

production of relevant books, papers, documents and other evidence upon making written request therefore to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to §61-1-4 NMSA 1978 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to:

- (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and
- (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

Date: 6-15-09

Nancy Doolen PhD, APRN
Board of Nursing
Interim CO-Executive Director
6301 Indian School rd., NE
Suite 710
Albuquerque, New Mexico 87110

CERTIFIED MAIL: 70001140 00042541 5972
RETURN RECEIPT REQUESTED

Exhibit 1

RECEIVED

MAR 09 2009

STATE OF NEW MEXICO

(505) 841-8340

ny# 2049



BOARD OF NURSING

Board of Nursing

6301 Indian School NE, Suite 710
Albuquerque, NM 87110

(PLEASE PRINT OR TYPE INFORMATION)

IN THE MATTER OF THE COMPLAINT OF

Buffy Itomitsu and Casa Maria Health Care Center

Names of Complainant and Institution

1601 S. Main

Roswell

NM

89201

Street Address

City

State

Zip

Telephone Numbers: Office: 575-623-6008 Home: _____

Sylvia J. Marin

AGAINST

License or Certificate No: R42801

Name of Nurse or Certificate Holder

511 New Mexico Dr

Roswell

NM

89203

Street Address

PO Box

City

State

Zip

Telephone

(Write a detailed statement, directly on this form, describing the facts related to the alleged violation(s) of the Nursing Practice Act and/or rules adopted by the Board. Attach copies of records, reports, letters, etc., relative to the alleged violation(s). Additional sheets may be attached if necessary. (USE TYPEWRITER IF POSSIBLE). PLEASE HAVE THE FORM SIGNED AND DATED ON THE FOLLOWING PAGE.

Comes now the complaint in the above entitled matter alleges

See attached for witness statements and incident summary.

on 2/1/09:

Nurse instructed staff members to physically restrain a resident with their bodies so she could draw blood. While the resident was resisting this inappropriate method, the nurse called the resident a bitch and continued cussing at her. Nurse lost control of herself. She was escorted out of the building immediately.

ATTACHMENT #1

Wherefore complainant prays that an investigation be made as to the matter herein alleged, and if the facts warrant it, the appropriate action be initiated in accordance with the provisions of Section 61-3-1 through 61-3-39, NMSA, 1978 COMP. as amended.

3/4/09

DATE

Buffy Tomlinson

Signature of Complainant(s)
(Please type or print name below)