

In the Matter of  
Permanent Registered Nurse  
License Number 703894 &  
Permanent Vocational Nurse  
License Number 185785  
Issued to EDWARD HERNANDEZ MARTINEZ,  
Respondent

§ BEFORE THE TEXAS  
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§ 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.  
*Patricia P. Pappas*  
Executive Director of the Board

**ORDER OF TEMPORARY SUSPENSION**

TO: Edward Hernandez Martinez  
4938 Pinder Ln  
Pearland, TX 77584

A public meeting of the Texas Board of Nursing was held on August 14, 2012 at 333 Guadalupe, Room 2-225, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 703894, and Permanent Vocational Nurse License Number 185785, issued to EDWARD HERNANDEZ MARTINEZ was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of EDWARD HERNANDEZ MARTINEZ and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

**CHARGE I.**

On or about June 14, 2012 through June 16, 2012, while employed as a Registered Nurse with Clearlake Regional Medical Center, Webster, Texas, Respondent withdrew Hydromorphone from the Medication Dispensing System for patients without valid physicians' orders. Respondent's conduct was likely to injure the patients, in that the administration of Hydromorphone, without a valid physician's order, could result in the patients suffering from adverse reactions, including respiratory depression and was in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B)&(1)(C), and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(10)(E)&(11)(B).

**CHARGE II.**

On or about June 14, 2012 through June 16, 2012, while employed as a Registered Nurse with Clearlake Regional Medical Center, Webster, Texas, Respondent misappropriated Hydromorphone from the facility and patients thereof, or failed to take the precautions to prevent such misappropriation, as follows:

Date	Patient	Order	Narcotic Log	MAR	Notes	Waste
6/14/2012	44760	None- Patient departed ED @ 0041	OVERRIDE- 4mg Hydromorphone @ 0630	None	None	None
6/14/2012	44760	None- Patient departed ED @ 0041	4mg Hydromorphone @ 0637	None	None	None
6/14/2012	48869	None -Patient departed ED @ 1625	OVERRIDE- 2mg Hydromorphone @ 1816	None	None	None
6/14/2012	48869	None -Patient departed ED @ 1625	2mg Hydromorphone @ 1817	None	None	None
6/14/2012	46548	None- Patient departed ED @ 1105	OVERRIDE- 4mg Hydromorphone @ 1310	None	None	None
6/15/2012	38173	None- PT not in ED this date	OVERRIDE- 4mg Hydromorphone @ 0633	None	None	None
6/15/2012	36903	None- PT not in ED this date	4mg Hydromorphone @ 0652	None	None	None

6/15/2012	51905	None- Patient departed ED @ 1005	OVERRIDE- 4mg Hydromorphone @ 0633	None	None	None
6/15/2012	51905	None- Patient departed ED @ 1005	OVERRIDE- 4mg Hydromorphone @ 1050	None	None	None
6/16/2012	55939	None- PT not in ED this date	OVERRIDE- 4mg Hydromorphone @ 1111	None	None	None
6/16/2012	55939	None- PT not in ED this date	OVERRIDE- 4mg Hydromorphone @ 1129	None	None	None
6/16/2012	56690	None- Patient departed ED @ 2311	4mg Hydromorphone @ 1114	None	None	None
6/16/2012	56690	None- Patient departed ED @ 2311	OVERRIDE- 4mg Hydromorphone @ 1116	None	None	None

Additionally, Respondent admitted that you taking the medications for his personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of medications, and is a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(4),(6)(G),(8),(10)(E)&(11)(B).

### CHARGE III.

On or about June 14, 2012, Respondent failed to comply with the Agreed Order issued to him by the Texas Board of Nursing, on July 22, 2010. Non-compliance is the result of his failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract. Stipulation number three (3) of the Order dated July 22, 2010, states:.

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

Respondent was dismissed from the TPAPN program on June 19, 2012

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

The Texas Board of Nursing further finds that, given the nature of the charges concerning his fitness to practice, the continued practice of nursing by EDWARD HERNANDEZ MARTINEZ constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 703894, and Permanent Vocational Nurse License Number 185785, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that, Permanent Registered Nurse License Number 703894, and Permanent Vocational Nurse License Number 185785,, issued to EDWARD HERNANDEZ MARTINEZ, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61<sup>st</sup> day following the date of the entry of this order.

Entered this 14<sup>th</sup> day of August, 2012.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR

**In the Matter of  
 Permanent Registered Nurse  
 License Number 703894 &  
 Permanent Vocational Nurse  
 License Number 185785  
 Issued to EDWARD HERNANDEZ MARTINEZ,  
 Respondent**

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**BEFORE THE TEXAS  
 BOARD OF NURSING**

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, EDWARD HERNANDEZ MARTINEZ, is a Registered Nurse holding License Number 703894 which is in current status at the time of this pleading, and is a Vocational Nurse holding License Number 185785, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

**CHARGE I.**

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### CHARGE III.

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The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

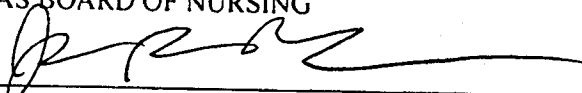
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, for Fraud, Theft and Deception, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated July 22, 2010.

Filed this 14 day of August, 2012.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

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TEXAS BOARD OF NURSING  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6811  
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated July 22, 2010.