



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered License § **AGREED**
Number 674519, and Vocational Nurse License §
Number 163246, Issued to §
KIMBERLEE DAWN MARTIN, Respondent § **ORDER**

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLEE DAWN MARTIN, Registered Nurse License Number 674519 and Vocational Nurse License Number 163246, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(2)&(9)(eff. date 9/1/1995), and Section 301.452(b)(2)&(10)(eff. date 9/1/1999), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 22, 2011, 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(s).
2. Respondent waived representation by counsel, 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. Respondent holds a license to practice vocational nursing in the State of Texas, which is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Del Mar College, Corpus Christi, Texas, on December 15, 1996, and an Associate Degree in Nursing from Del Mar College, Corpus Christi, Texas, on December 1, 1996. Respondent was licensed to practice vocational nursing in the State of Texas on July 25, 1997, and Respondent was licensed to

practice professional nursing in the State of Texas on January 9, 2001.

5. Respondent's nursing employment history is unknown.
6. On or about May 30, 1997, Respondent submitted an Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

Respondent failed to disclose that on or about September 30, 1984, Respondent was arrested by the San Patricio County Sheriff's Office, Sinton, Texas, for DRIVING UNDER INFLUENCE LIQUOR (a misdemeanor offense). On or about February 5, 1985, Respondent was convicted and placed on probation for two (2) years probation.

Respondent failed to disclose that on or about December 15, 1984, Respondent was arrested by the Beeville Police Department, Beeville, Texas, for RESISTING OFFICER-FLEEING ARREST and that Respondent was convicted for the offense and ordered to pay a fine and costs.

Respondent failed to disclose that on or about April 8, 1985, Respondent pled Guilty and was convicted of FAILURE TO APPEAR, a misdemeanor, in the County Court, Bee County, Texas, under Cause No. 2608. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

Respondent failed to disclose that on or about July 19, 1991, Respondent was arrested by the Denton County Sheriff's Office, Denton, Texas, for LARCENY-THEFT OVER \$250 UNDER \$750. On or about January 8, 1992, Respondent was convicted of THEFT OVER \$250 UNDER \$750 (a misdemeanor offense). As a result of the conviction, Respondent was sentenced to one hundred eighty (180) days confinement.

Respondent failed to disclose that on or about January 8, 1992, Respondent pled Guilty and was convicted of THEFT BY CHECK 200-750, a misdemeanor offense committed on July 7, 1990, in the County Court At Law No. 1, Denton County, Texas, under Cause No. CR91-82A. As a result of the conviction, Respondent was sentenced to confinement in the Denton County Jail for a period of seven (7) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one hundred eighty (180) days, and ordered to pay restitution in the amount of five hundred thirty eight dollars and forty cents (\$538.40), along with a fine and court costs.

Respondent failed to disclose that on or about January 8, 1992, Respondent pled Guilty to and was convicted of ISSUE BAD CHECK, a misdemeanor offense. As a result of the conviction, Respondent was sentenced to confinement in the County Jail for a period of

seven (7) days.

7. On or about December 13, 2000, Respondent submitted a Temporary License/Endorsement Application to the Board of Nurse Examiners for the State of Texas in which she answered "No" to the question: "Have you ever been convicted of a crime other than minor traffic violation?"

Respondent failed to disclose that on or about September 30, 1984, Respondent was arrested by the San Patricio County Sheriff's Office, Sinton, Texas, for DRIVING UNDER INFLUENCE LIQUOR (a misdemeanor offense). On or about February 5, 1985, Respondent was convicted and placed on probation for two (2) years.

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Respondent failed to disclose that on or about January 8, 1992, Respondent pled Guilty to and was convicted of ISSUE BAD CHECK, a misdemeanor offense). As a result of the conviction, Respondent was sentenced to confinement in the County Jail for a period of seven (7) days.

8. In response to Finding of Fact Numbers Six (6) and Seven (7), Respondent states: In 1997, when she originally applied for her LVN license, she did not deliberately deceive the Board. She knew that the only thing on her record were misdemeanors; thinking that "arrest" meant being taken into custody for a felony, she checked no when asked if she had been arrested. With the same thought in mind, she continued to check "no" each time she was again asked on a form about her arrest. In 2000, when she applied for her RN licensure, she again checked no, with the same thought.

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 TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(2)&(9)(eff. date 9/1/1995), and Section 301.452(b)(2)&(10)(eff. date 9/1/1999), Texas Occupations Code and is a violation of 22 TEX. ADMIN. CODE §239.11(8)(eff. date 12/1/1995), and 22 TEX. ADMIN. CODE §217.12(23)(eff. date 9/1/1999).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against KIMBERLEE DAWN MARTIN, Registered Nurse License Number 674519 and Vocational Nurse License Number 163246, heretofore issued to KIMBERLEE DAWN MARTIN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in

the State of Texas.

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 State of Texas 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 pay a monetary fine in the amount of five hundred dollars (\$500). 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, 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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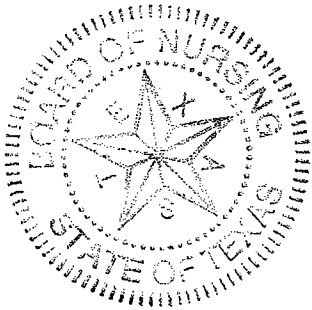
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WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 19th day of November, 2011, by KIMBERLEE DAWN MARTIN, Registered Nurse License Number 674519 and Vocational Nurse License Number 163246, and said Order is final.

Effective this 28th day of November, 2011.



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



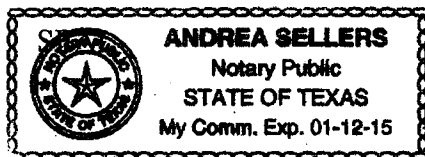
RESPONDENT'S CERTIFICATION

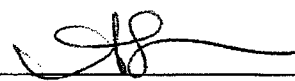
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 19th day of November, 2011.


KIMBERLEE DAWN MARTIN, Respondent

Sworn to and subscribed before me this 19th day of November, 2011.




Notary Public in and for the State of Texas