

IN THE MATTER OF PERMANENT  
REGISTERED NURSE LICENSE  
NUMBER 690563 ISSUED TO  
SYLVIA J. MATTA

§  
§  
§  
§

BEFORE THE TEXAS  
BOARD OF NURSING  
ELIGIBILITY AND  
DISCIPLINARY COMMITTEE



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.  
*Sylvia J. Matta*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Sylvia J. Matta  
P.O. Box 1655  
Roswell, NM 88202

During open meeting held in Austin, Texas, on May 14, 2013, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order

will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 690563, previously issued to SYLVIA J. MATTA, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 14th day of May, 2013.

TEXAS BOARD OF NURSING

BY:



---

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed February 4, 2013.

Re: Permanent Registered Nurse License Number 690563

Issued to SYLVIA J MATTA  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_ day of May, 2013, a true and correct copy of the foregoing  
DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Sylvia J. Matta  
P.O. Box 1655  
Roswell, NM 88202

Via USPS First Class Mail

Sylvia J. Matta  
P.O. Box 4082  
Roswell, NM 88202

BY:



---

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent	§	BEFORE THE TEXAS
Registered Nurse License	§	
Number 690563	§	
Issued to SYLVIA J. MATTA,	§	
Respondent	§	BOARD OF NURSING

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SYLVIA J. MATTA, is a Registered Nurse holding License Number 690563, which is in MSR Invalid 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.**

On or about December 8, 2011, Respondent received a Default Order from the New Mexico Board of Nursing wherein Respondent's license to practice professional nursing in the State of New Mexico was Revoked by Default for failure to complete a Settlement Agreement with the New Mexico Board of Nursing entered into by Respondent on or about August 19, 2010. A copy of the Default Order issued by the New Mexico Board of Nursing, dated December 8, 2011, is attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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).

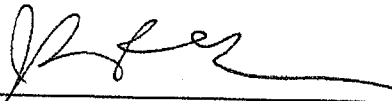
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, 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(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Decision and Order issued by the New Mexico Board of Nursing, dated August 13, 2009. Settlement Agreement issued by the New Mexico Board of Nursing, dated August 19, 2010. Eligibility Agreed Order issued by the Board of Nurse Examiners for the State of Texas, dated September 12, 2002. Default Order issued by the New Mexico Board of Nursing, dated December 8, 2011.

Filed this 4 day of February, 2013.

TEXAS BOARD OF NURSING



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

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

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: Decision and Order issued by the New Mexico Board of Nursing, dated August 13, 2009.  
Settlement Agreement issued by the New Mexico Board of Nursing, dated August 19, 2010.  
Eligibility Agreed Order issued by the Board of Nurse Examiners for the State of Texas, dated  
September 12, 2002. Default Order issued by the New Mexico Board of Nursing, dated December  
8, 2011.

D/2012.06.19

BEFORE THE BOARD OF NURSING  
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:  
Sylvia Marin  
LICENSE NO: R48201

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

RESPONDENT.

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.

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.

11-17-11  
DATE

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

## 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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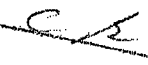


BEFORE THE BOARD OF NURSING  
FOR THE STATE OF NEW MEXICO

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: 

SETTLEMENT AGREEMENT

WHEREAS, Respondent wishes to resolve this matter pending before the New Mexico Board of Nursing ("the Board") without the need for a formal hearing and the time and expense involved with such a hearing:

IT IS AGREED AS FOLLOWS:

1. Respondent is licensed by the Board and is subject to the jurisdiction of the Board.
2. Respondent enters into this Settlement Agreement voluntarily and waives the right to a full hearing on the merits as provided for in the Uniform Licensing Act, NMSA 1978, § 61-1-1 through § 61-1-34.
3. Respondent agrees to waive any and all time limitations set forth by statute, particularly the Uniform Licensing Act, in setting a hearing for this case, if necessary.
4. This Settlement Agreement is subject to approval by the Board. If the Board rejects the Settlement Agreement, this matter will be set for a hearing on the merits at a time, date and place to be determined by the Board. The Respondent waives all rights to have this matter heard within the time frame set by the Uniform Licensing Act in order for the Board to have time to review this Settlement Agreement and to set a hearing, if necessary. If the Board rejects the

Settlement Agreement, the terms of this Settlement Agreement and any statements made in support of the Settlement Agreement by Respondent shall not be used against Respondent at any future hearing.

5. If the Board accepts this Settlement Agreement, Respondent agrees to the following:

- (A) Respondent shall receive a letter of reprimand;
- (B) Respondent shall be placed on probation for one year from the date this Settlement Agreement is approved by the Board;
- (C) Should Respondent practice nursing during the one year probationary period, quarterly reports from Respondent's supervisor shall be submitted to the Executive Director of the Board of Nursing regarding the Respondent's nursing care, patient safety and professionalism.
- (D) Respondent agrees to attend and successfully complete any continuing education courses as ordered by the Board below within the time limits set by the Board. The Executive Director of the Board of Nursing must approve the courses before such courses are taken and Respondent must submit proof of completion of the courses to the Executive Director of the Board once the courses are completed. Any courses completed pursuant to this settlement agreement shall not count toward Respondent's continuing education requirements for licensure;

(E) The Respondent shall notify the Board within ten (10) days if there is a change in employment or home address;

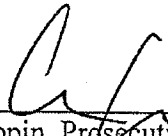
6. This Settlement Agreement, if approved by the Board, constitutes formal disciplinary action by the Board and is a reportable action;
7. If the Respondent complies with all the terms of this Agreement, this matter is concluded and resolved;
8. If Respondent does not successfully comply with the terms and conditions of this Settlement Agreement, Respondent understands that such non-compliance is a violation of the Nursing Practice Act and the regulations issued under that Act. If the Board receives credible information that Respondent has violated any term of this Settlement Agreement after the Board has approved this Settlement Agreement, the Board may summarily suspend Respondent's license pending a hearing to be held at the Board's next regularly scheduled meeting after the summary suspension and such hearing shall be conducted pursuant to the Uniform Licensing Act. If the Board finds that Respondent has violated any term of this Settlement Agreement, the Board may take any further disciplinary action authorized by the Board's statute and regulations, including, but not limited to, suspension or revocation of Respondent's license; and
9. This Order shall be applicable to applicant's/licensee's multi-state 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 multi-state 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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sylvia Marin, Respondent

8-19-10  
Date


  
\_\_\_\_\_  
Chris Coppin, Prosecuting Attorney

**ORDER**

This matter comes before the Board upon the Settlement Agreement of the parties and with a quorum present and a majority voting in favor, this Settlement Agreement is:

Accepted  
 Rejected

8-19-10  
Date

  
\_\_\_\_\_  
Chairperson,  
Board of Nursing

**CONTINUING EDUCATION COURSES**

1. Wound Care
2. Documentation
- 3.

**Date Continuing Education Courses Must Be Completed By: December 1, 2010.**

CERTIFIED MAIL: 70090760668022368/12  
RETURN RECEIPT REQUESTED

by this Order, the applicant/licensee may not work outside the State of New Mexico pursuant to a multi-state 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.

8/17/10  
Date

Sylvia J. Marin  
Sylvia Marin, Respondent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chris Coppin, Prosecuting Attorney

**ORDER**

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\_\_\_\_\_ Accepted

\_\_\_\_\_ Rejected

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairperson,  
Board of Nursing

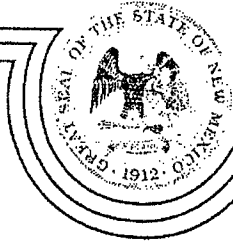
**CONTINUING EDUCATION COURSES**

- 1. Wound Care
- 2. Documentation
- 3.

**Date Continuing Education Courses Must Be Completed By: December 1, 2010.**

STATE OF NEW MEXICO

Office: (505) 841-8340  
Fax: (505) 841-8347



Board Of Nursing

6301 Indian School NE Suite 710  
Albuquerque, New Mexico 87110

August 19, 2010

Sylvia Marin  
PO Box 1655  
Roswell NM 88202

RE. LETTER OF REPRIMAND

Dear Ms Marin:

This is in regard to the disciplinary matter involving your New Mexico nursing license, No. R42801. At the Board of Nursing's August 18, 2010 meeting, the Board accepted the Settlement Agreement as presented by Chris Coppin, Administrative Prosecutor for the Board. The Settlement Agreement authorizes the Board of Nursing to issue you a letter of reprimand. Therefore, consider this a letter of reprimand from the New Mexico Board of Nursing.

Keep in mind that if you received a Letter of Reprimand, Probation, Suspension, or Revocation, these are considered formal action and will remain on your licensure records. You will need to admit this on any forms that require if you have had any disciplinary action.

Respectfully,

*Terri Fortner, RN, MSN, PMH-NP*  
Terri Fortner, RN, MSN, PMH-NP, Chair  
New Mexico Board of Nursing

CERTIFIED MAIL NO. 7009096000022368415  
RETURN RECEIPT REQUESTED

## GUIDELINES FOR SELECTING EDUCATIONAL COURSES

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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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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.

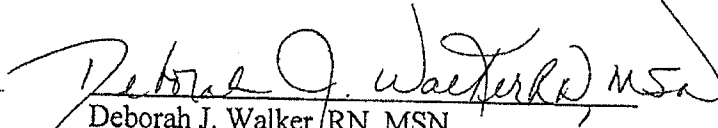
B. Upon written request to another party, any party is entitled to:

- (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: April 21, 2010

  
Deborah J. Walker, RN, MSN  
Executive Director  
6301 Indian School rd., NE  
Suite 710  
Albuquerque, New Mexico 87110

CERTIFIED MAIL: 700905600002236595  
RETURN RECEIPT REQUESTED



STATE OF NEW MEXICO  
 BOARD OF NURSING  
 6301 INDIAN SCHOOL RD. NE SUITE 710  
 ALBUQUERQUE, NM 87110  
 505/841-8340  
 www.bon.state.nm.us

Ex 5.7.7 1



#2514

(PLEASE PRINT OR TYPE INFORMATION)

RECEIVED

APR 19 2010

IN THE MATTER OF THE COMPLAINT OF

Tani C. Skinner, BSN, RN, Chief Nurse Investigator, New Mexico Board of Nursing  
 Names of Complainant and Institution

BOARD OF NURSING

6301 Indian School Rd., N.E., Suite 710, Albuquerque, New Mexico 87110

Street Address

City

State

Zip

Telephone Numbers: Office: (505) 841-9055 Home: \_\_\_\_\_

AGAINST

Sylvia Marin, RN

License or Certificate No: R42801

Name of Nurse or Certificate Holder

P.O. Box 1655, Roswell, New Mexico 88202

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. (Typewritten if possible).

**PLEASE HAVE THE FORM SIGNED AND DATED ON REVERSE SIDE.**

Comes now the complaint in the above entitled matter alleges

On 8/13/2009, Licensee was found in violation of the Nursing Practice Act for patient abuse and was ordered by the board to complete six months of probation, received a letter of reprimand and was required to complete continuing education classes in professionalism, ethics, resident rights and conflict resolution. To date, Licensee has failed to complete continuing education requirement as ordered by the board.

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.

January 26, 2010

DATE

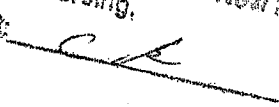
*Tani C. Skinner, BSN, RN*  
 Signature of Complainant(s)

(Please type or print name below)

Tani C. Skinner, BSN, RN

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 and correct 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:

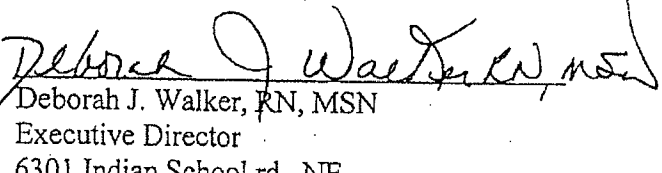
(1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and

(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: May 6, 2010

  
Deborah J. Walker, RN, MSN  
Executive Director  
6301 Indian School rd., NE  
Suite 710  
Albuquerque, New Mexico 87110

CERTIFIED MAIL: 7009 0960 00002236582  
RETURN RECEIPT REQUESTED

Exhibit 1

INVESTIGATIVE SUMMARY  
New Mexico Board of Nursing

Licensee: Sylvia Marin, RN  
License#: R42801  
Complainant: Evan Nelson, M.D. and Susan Ford,  
RN  
New Mexico Rehabilitation Center  
Reference #: 2429

On January 26, 2010, a complaint was filed by Evan Nelson, M.D. and Susan Ford, R.N. of New Mexico Rehabilitation Center, against Sylvia Marin, RN, License #R42801, alleging:

Incompetence  
Unprofessional Conduct

Specifics of the Complaint

- Licensee is accused of violating the Nursing Practice Act through incompetence by failing to possess and to apply the knowledge, skill and care that is ordinarily possessed and exercised by other nurses of the same licensure status and required by the generally accepted standards of the profession.
- Licensee is accused of allegedly violating the Nursing Practice Act through unprofessional conduct by:
  - A. Failing to properly follow medical orders: Licensee allegedly failed to use Xeroform as ordered and used Silvadene on a large wound.
  - B. Failing to follow established procedures and documentation regarding controlled substances;
  - C. Failing to follow state and federal law, policies and procedures for the prescription and distribution of dangerous drugs including controlled substances;
  - D. Withholding pain medications appropriately requested by a patient;
  - E. Practicing beyond the scope of licensure.

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

\*\*\*\*\*

In the Matter of	§	ELIGIBILITY
SYLVIA J. MATTA,	§	
APPLICANT for Eligibility for Licensure	§	AGREED ORDER

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Temporary License/Endorsement Application and supporting documents filed by SYLVIA J. MATTA, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(8) *et seq.*, Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on July 18, 2002, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about June 21, 2002, Applicant submitted a Temporary License/Endorsement Application in compliance with Section 301.260 *et seq.*, Texas Occupations Code.
2. Applicant waived representation, notice, administrative hearing, and judicial review.
3. Applicant graduated with an Associate Degree in Nursing from Eastern New Mexico University - Roswell Campus, Roswell, New Mexico, in December 1997.
4. Applicant completed the application for licensure by endorsement and answered "yes" to Question Number Ten (10), which reads as follows: "*Have you ever had disciplinary action taken against your license by any licensing/certifying authority in any country, state, province or territory?*".

5. On February 24, 1999, Applicant's license to practice professional nursing in the State of New Mexico was Revoked by the New Mexico Board of Nursing, for failure to request and appear at an Informal Hearing to discuss pending allegations. A copy of the February 24, 1999, New Mexico Default Order is attached and incorporated by reference as part of this Order.
6. On August 24, 2000, Applicant appeared before the New Mexico Board of Nursing to request the reinstatement of her professional nursing license. On August 25, 2000, Applicant was granted reinstatement and issued an unencumbered license by the New Mexico Board of Nursing. A copy of the August 25, 2000, New Mexico Order is attached and incorporated by reference as part of this Order.
7. Applicant has sworn that with the exception of matters disclosed in connection with the Temporary License/Endorsement Application, her past behavior conforms to the Board's professional character requirements.
8. After considering the action taken by the New Mexico Board of Nursing along with Applicant's conduct since August 25, 2000, the Executive Director is satisfied that Applicant is able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
9. On July 18, 2002, the Executive Director considered evidence of Applicant's behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.
10. Applicant presented sufficient evidence that she would not pose a direct threat to the health and safety of patients and the public.
11. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
12. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

#### CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.

2. Applicant has submitted a Temporary License/Endorsement Application in compliance with 301.260 *et seq.*, Texas Occupations Code.
3. The evidence in Finding of Fact Number Five (5), is sufficient cause to take disciplinary action under Section 301.452 *et seq.*, Texas Occupations Code, and, therefore, sufficient cause to deny licensure.
4. The action taken by another jurisdiction is grounds for denial of a license under Section 301.452 *et seq.*, Texas Occupations Code.
5. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.
6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

#### ORDER

IT IS THEREFORE AGREED that the application of SYLVIA J. MATTA, APPLICANT, is hereby CONDITIONALLY GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice professional nursing in the State of Texas which shall bear the appropriate notation.

(3) Upon receiving authorization to practice professional nursing in Texas, APPLICANT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.



IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to APPLICANT's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where APPLICANT wishes to work.

(4) APPLICANT SHALL, within one (1) year of initial licensure, successfully complete a Texas course in nursing jurisprudence. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. APPLICANT 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 APPLICANT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, APPLICANT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

APP SENT TO INU.  
6/21/02

INU 9/14/02  
K.C.

SEP 10 2002  
#125.00 MO  
S.G.

APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction such as conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157, 301.252, 301.253, 301.260, and 301.452(b) of the Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, and Board Rules at 213.27, 213.28, and 213.29 22 Texas Administrative Code which are incorporated by reference as a part of this Order. I agree with all terms of this Order and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Board of Nurse Examiners.

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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

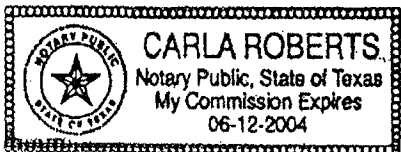
Signed this 9 day of September, 2002

Sylvia J. Matta  
SYLVIA J. MATTA, APPLICANT

Sworn to and subscribed before me this 9th day of September, 2002

SEAL

Carla Roberts  
Notary Public in and for the State of Texas

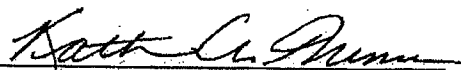


RECEIVED  
000670  
BOARD OF  
NURSE EXAMINERS

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 9<sup>th</sup> day of September, 2002, by SYLVIA J. MATTA, APPLICANT, for Temporary License/Endorsement Application, and said Order is final.

Entered this 12<sup>th</sup> day of September, 2002.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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

Enclosures: 301.157 Program of Study and Accreditation  
301.252 License Application  
301.253 Examination  
301.260 Temporary License by Endorsement  
301.452 Grounds for Disciplinary Action  
301.453 Disciplinary Authority of Board; Methods of Discipline  
213.27 Good Professional Character  
213.28 Licensure of Persons with Criminal Convictions  
213.29 Criteria and Procedure Regarding Intemperate Use and Lack of  
Fitness in Eligibility and Disciplinary Matters  
Chapter 53, Sec. 53.001 *et seq.*, Texas Occupations Code

BEFORE THE BOARD OF NURSING  
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:  
SYLVIA MATTA,  
LICENSE NO.: R42801 AND NCLEX 3064-75-903,  
RESPONDENT.

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

DEFAULT ORDER

This matter having come before the Board of Nursing ("BON") and with a quorum present and a majority voting in the affirmative the Board finds as follows:

1. A Notice of Contemplated Action was served upon Respondent in accordance with the Uniform Licensing Act, Section 61-1-1 et seq. N.M.S.A.
2. Respondent did not request a hearing within twenty days of receipt or attempted service of the Notice of Contemplated Action as set forth in the Uniform Licensing Act.
3. Pursuant to the provisions of the Uniform Licensing Act, if Respondent does not request a hearing, the BON may proceed to take action against Respondent's license by default.

IT IS THEREFORE ORDERED THAT RESPONDENT'S LICENSE BE  
REVOKED BY DEFAULT.

8/24/99  
DATE

Marleen L. Cyroda  
CHAIRPERSON  
BOARD OF NURSING

CERTIFIED MAIL NO. 2577923677  
RETURN RECEIPT REQUESTED

BEFORE THE NEW MEXICO  
BOARD OF NURSING

IN THE MATTER OF  
Sylvia Matta  
LICENSE NO. R42801

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

ORDER

A Notice of Contemplated Action issued against Sylvia Matta, on or about December 16, 1998, and was sent by certified mail to her last known address as reflected in the records of the New Mexico Board of Nursing. Ms. Matta did not request a hearing; therefore, her license, R42801, was revoked by default on February 24, 1999.

Ms Matta requested to appear before the New Mexico Board of Nursing to request reinstatement of her license, R42801. An informal hearing was set for Thursday, August 24, 2000. Ms. Matta appeared before the Board of Nursing and testified in her own behalf in support of her request for reinstatement.

ACORDINGLY, the license, R42801, of Sylvia Matta may be reinstated.

Date: 8-25-00

Christine Glidden  
CHRISTINE GLIDDEN, ACTING CHAIRPERSON  
NEW MEXICO BOARD OF NURSING

CERTIFIED MAIL NO.: 2445267851  
RETURN RECEIPT REQUESTED

M:\HOME\DB\LEGALS\REINST.ORD

BEFORE THE BOARD OF NURSING  
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:

SYLVIA MATTA  
License No. R42801 and NCLEX 3064-75-903

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, §61-3-1 et seq. N.M.S.A., 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 §61-3-28 N.M.S.A.
3. The general nature of the allegations is contained in Attachment 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 to 61-1-31 NMSA 1979] 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 therefor 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: 12/16/98

Delma P. Brady  
Board of Nursing  
Executive Director  
4206 Louisiana Blvd. NE  
Suite A  
Albuquerque, New Mexico 87109

CERTIFIED MAIL NO. 2376000110  
RETURN RECEIPT REQUESTED

STATE OF NEW MEXICO

(505) 841-8340



Attachment 1  
MAY 26 1998  
Board Of Nursing

4206 Louisiana NE, Suite A  
Albuquerque, NM 87109

(PLEASE PRINT OR TYPE INFORMATION)

IN THE MATTER OF THE COMPLAINT OF

David Newsom - Roswell Nursing Center

Names of Complainant and Institution

3200 Mission Arch

Street Address

Roswell

City

NM

State

88201

Zip

Telephone Numbers: Office: (505) 624-2583

Home:

AGAINST

Sylvia Matta, RN

SSN

Name of Nurse or Certificate Holder

License or Certificate No: R 42801  
NCLEX CANDIDATE  
064-75-903

173 West Chickasaw

Street address

PO Box 151

PO Box

Hagerman, NM 88232

City, State, Zip

(505) 734-1503

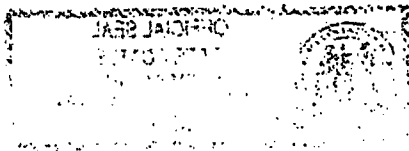
Telephone

(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 and regulations 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.)

Comes now the complaint in the above entitled matter alleges

- 1) Reported for work 5-5-98 with strong smell of alcohol on breath.
- 2) stated drank 6pk of beer last one being at approx 6:00 pm
- 3) Test + x2 on Alcohol Test. Administered by S.D.C.
- 4) Terminated 5-5-98. Suspended 5-5-98

*D. Newsom RN D.K.S.*





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 61-3-30, NMSA, 1978 COMP, as amended.

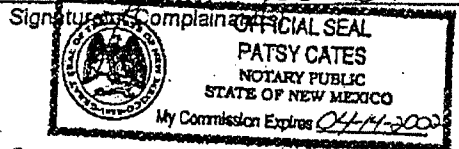
STATE OF New Mexico )  
COUNTY OF Chaves ) §

Subscribed and sworn to before me this 20<sup>th</sup> day of May, 1998.

(NOTARY SEAL)

My Commission Expires: 04-14-2002

Paul [Signature] D.V.S.



Patsy Cates

Notary Public

MAY 26 1998

HORIZON HEALTHCARE CORPORATION

WRITTEN COUNSELING

EMPLOYEE NAME: Sylvia Martin JOB TITLE: C.N.  
DEPARTMENT: NSG FACILITY: LAC EMPLOYEE SUPERVISOR: D. Neumann  
DATE OF COUNSELING: 5-5-98 DATE OF INFRACTION: 5-5-98  
NUMBER OF COUNSELINGS WITHIN PAST TWELVE MONTHS: 0

WILL THE EMPLOYEE BE DISCHARGED AS A RESULT OF THIS COUNSELING: YES  NO

REASON FOR COUNSELING (BE SPECIFIC—ADDITIONAL SPACE ON BACK IF NEEDED): During rounds  
small of ETEH. noted. Employee stated had drunk to  
Muller General Drafts. Asked to take Alcohol test. Agreed to  
Test. Positive for ETEH. Time 2310. Rebecca Thompson RN  
S.D.C. present 2 Test performed (X) & Z.  
Last one @ 1800. Report for work 2200-097

CORRECTIVE PLAN OF ACTION (BE SPECIFIC, WHEN AND WHERE APPLICABLE—INCLUDE TIME FRAMES AND DATE)  
ADDITIONAL SPACE ON BACK IF NEEDED):

Suspended until 5-6-98 for Flu @ Sylvia Flores HL  
Employee would be notified 5-6-98 of Flu recommendation  
& possible involvement to N.A. Board of Nursing.  
5-6-98 0945 Flu @ Sylvia Flores HL. Terminated  
Effective immediately. Sylvia to notify  
Kimberly @ Corporate Office. 097

DATE

FAILURE TO MEET DEADLINES AND/OR ACCOMPLISH THIS CORRECTIVE PLAN OF ACTION WILL RESULT IN FURTHER COUNSELING UP TO AND INCLUDING IMMEDIATE DISCHARGE. DISCHARGE WILL AUTOMATICALLY ACCOMPANY A THIRD RELATED OR NON-RELATED WRITTEN COUNSELING OR ANY INFRACTION OF A SERIOUS NATURE THAT WOULD WARRANT PROCEEDING TO IMMEDIATE DISCHARGE.

COMMENTS REGARDING THIS COUNSELING MAY BE MADE WITHIN FIVE (5) DAYS OF THE DATE OF THIS COUNSELING.

COPY OF THIS COUNSELING RECEIVED BY EMPLOYEE ON (DATE) \_\_\_\_\_

I ACKNOWLEDGE THAT I RECEIVED A COPY OF AND UNDERSTAND THIS COUNSELING:  
(EMPLOYEE SIGNATURE) Sylvia Martin DATE \_\_\_\_\_  
(SUPERVISOR SIGNATURE) D. Neumann DATE 5-5-98  
(ADMINISTRATOR SIGNATURE) \_\_\_\_\_ DATE \_\_\_\_\_  
(WITNESS IF APPLICABLE) REBECCA THOMPSON RN DATE 5-5-98



## Board of Nurse Examiners For the State of Texas

*Katherine Thomas, MN, RN, Executive Director*   *Linda Rouse, PhD, RN, President, Galveston*   *Thelie Munoz, MS, RN, Vice-President, Rio Grande City*   *Deborah Bell, CLU, ChFC, Abilene*   *Virginia Campbell, BSN, RN, CNOR, Mesquite*   *Lawrence Canfield, CRNA, MS, Ed, Temple*   *Marcelo Lujan, Jr., Floresville*   *Sue McGee, MSN, RN, Amarillo*   *Elizabeth Foster, PhD, RN, Arlington*   *Phyllis Cava Rawley, CIC, El Paso*

June 25, 2002

New Mexico Board of Nursing  
4206 Louisiana Blvd., NE, Suite A  
Albuquerque NM 87109

RE: Sylvia Jean Matta

DOB: 08/08/1969

SS#:

Dear Sir/Madam:

Information has been received by this office that disciplinary action has been taken against the above identified nurse by New Mexico State Board. Please verify the information provided in the reference lines.

If the above information matches the information in your licensure files, we request a certified copy of the Order of the Board, including the Findings of Fact and Conclusions of Law or the Complaint (if applicable) and the nurse's last known mailing address.

If you need additional information, please contact me at (512) 305-6838.

Sincerely,

A handwritten signature in black ink, appearing to read "A. L. Diggs".

Anthony L. Diggs, MSCJ  
Director of Enforcement

ALD/jn

11/95-A5

NEW MEXICO BOARD OF NURSING  
4206 LOUISIANA NE SUITE A  
ALLBUQUERQUE NM 87109  
(505) 841-8340

July 1, 2002

Texas Board of Nurse Examiners  
Attn: Audry Cagares  
PO Box 430  
Austin TX 78767-0430

Re: Sylvia Matta, R42801

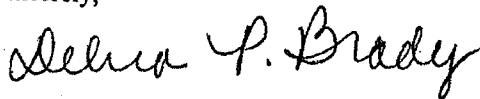
Dear Ms. Cagares:

Enclosed in response to the request of Sylvia Matta, SSN  find certified copies of the following:

1. Order dated 8/25/00.
2. Default Order dated 8/24/99.
3. Notice of Contemplated Action dated 12/16/98.

If you have any questions, please feel free to contact me.

Sincerely,



Debra P. Brady, PhD., RN  
Executive Director



Home Info Search Reports Help Desk



Name: **Matta, Sylvia Jean**

SSN:

Case # 276369

Jurisdiction: NEW MEXICO							
Action Date: 02/24/1999							
Juris. Alert:							
QA Flag:							
Disciplined License(s):							
License Type: RN							
License Number: R42801 (NEW MEXICO)							
<b>Actions:</b>							
Code	Description	Stayed	Action Length Type	Start Date	End Date	On Appeal	Appeal Date
5900	REVOCATION	NO		02/24/1999		No	
Code	Action Comment						
5900							
<b>Violations:</b>							
Code	Description	Comment					
1999	OTHER	Failure to respond to NCA. No response to notice.					
General Case Comments:							



Home Info Search Reports Help Desk



Name: Matta, Sylvia Jean

SSN:

Personal | Licensure | Education | **Discipline** | Verification | Compact |

Case # 287836

Jurisdiction: NEW MEXICO							
Action Date: 09/08/2000							
Juris. Alert:							
QA Flag: YES							
Disciplined License(s):							
License Type: RN							
License Number: R42801 (NEW MEXICO)							
Actions:							
Code	Description	Stayed	Action Length Type	Start Date	End Date	On Appeal	Appeal Date
6000	REINSTATEMENT	NO	Indefinite			No	
Code	Action Comment						
6000	Alcohol on breath at work, drug screen positive for alcohol.						
Violations:							
Code	Description	Comment					
1510	ALCOHOL ABUSE						
General Case Comments:							

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: 

DEFAULT ORDER


THIS MATTER having come before the Board of Nursing ("BON") on  
Thursday, December 08, 2011 the BON finds the following:

1. 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.
2. The respondent has not mailed a request for hearing within the  
time and in the manner required by N.M.S.A. §61-1-4 and is therefore in  
default.

IT IS THEREFORE ORDERED THAT: the license of Sylvia Marin,  
R42801, is hereby revoked by default.

12-8-11

DATE



ROBIN JONES, CHAIRPERSON  
NEW MEXICO BOARD OF NURSING

CERTIFIED MAIL NO: 70110470 0003 0490 6565  
RETURN RECEIPT REQUESTED

Sylvia Marin

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

IN THE MATTER OF:  
Sylvia Marin  
License No. R42801

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

Signed: \_\_\_\_\_

Respondent.

**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: 10-25-11

Nancy Darbro PhD, APRN  
Nancy Darbro, PhD, APRN  
Interim Director  
6301 Indian School RD NE  
Suite 710  
Albuquerque, New Mexico 87110

CERTIFIED MAIL: 70110470000304905933  
RETURN RECEIPT REQUESTED

STATE OF NEW MEXICO

Exhibit 1

(505) 841-8340



Board Of Nursing

6301 Indian School NE, Suite 710  
Albuquerque, NM 87110

[www.bon.state.nm.us](http://www.bon.state.nm.us)

(#3798)

(PLEASE PRINT OR TYPE INFORMATION)

IN THE MATTER OF THE COMPLAINT OF

NANCY DARBRO, PhD, RN, INTERIM DIRECTOR, NEW MEXICO BOARD OF NURSING

Names of Complainant and Institution

6301 INDIAN SCHOOL RD. NE, SUITE 710, ALBUQ. N.M., 841-8345

Street Address City State Zip

Telephone Numbers: Office: Home:

Sylvia Marin

AGAINST

R-42801

Name of Nurse or Certificate Holder

License or Certificate No:

P.O. Box 1655, Roswell, N.M. 88202

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. (Typewritten if possible).

PLEASE HAVE THE FORM SIGNED AND DATED ON THE FOLLOWING PAGE.

Comes now the complaint in the above entitled matter alleges

Ms. Sylvia Marin, R-42801, entered into a Settlement Agreement with the New Mexico Board of Nursing on 8-19-10, to end on 8-19-11. The S & A required one year probation, a Letter of Reprimand, quarterly nursing supervisor reports, and CE courses in wound care and documentation to be completed by 12-1-10.

Ms. Marin submitted 4 CE courses on 8-18-10 that were not prior approved by the Executive Director and did not include CE in wound care and documentation. The 4 courses were in conflict resolution, nursing and professional boundaries, nurses code of ethics and resident rights.

On 6-28-11, ND reviewed file and no quarterly supervisor reports had been received. ND contacted Ms. Marin on 6-29-11, and she stated she had not been working for medical reasons. ND told her to send in verification of medical treatment.

On 9-22-11 ND reviewed file and again called Ms. Marin and left a message that she still needed to send in verification of medical treatment. There has been no contact or reports received from Ms. Marin.

Ms. Marin has not complied with the terms of her Settlement Agreement.

## Investigation Info

Reference# : 3798  
License# : R42801  
Name : MARIN, SYLVIA  
Address : P.O. BOX 1655 Roswell, NM 882020000  
Phones :  
  
Complainant : Nancy Darbro, NM BON  
Address : 6301 Indian School Rd. NE, Albuquerque, NM 87110  
Phones :  
  
Recvd Date : 10/17/2011  
Invsgr Recvd :  
Complaint Recvd :  
  
Atty Entered Date : Atty Last Name:  
Offered DP :  
NCA Voted On : 10/13/2011 SLOC Voted On :  
Probation : VLOR :  
Reinstate : Fine :  
Denied Endorsement : Denied Exam :  
Revoked/Suspend :  
Status 1 : NCA

### Status 2 Notes

*NCA issued Oct. 11 Bd. Non compliance with Settlement Agreement.*