



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.
Stephanie O'Malley
Executive Director of the Board

**In the Matter of
Permanent Vocational Nurse
License Number 116301
Issued to DENISE MICHELLE MARTINEZ,
Respondent**

§ **BEFORE THE TEXAS**
§
§
§ **BOARD OF NURSING**

ORDER OF TEMPORARY SUSPENSION

TO: Denise Michelle Martinez
c/o Joyce Stamp Lilly, RN, JD
6410 Fannin St., Ste 1423
Houston, Texas 77030

A public meeting of the Texas Board of Nursing was held on May 24, 2013 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 116301, issued to DENISE MICHELLE 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 DENISE MICHELLE MARTINEZ and whether her 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:

On or about May 10, 2013, Respondent became noncompliant with the Reinstatement Agreed Order issued to her on October 27, 2011, by the Texas Board of Nursing. Noncompliance is the result of her failure to abstain from the consumption of alcohol in that she produced a specimen for a random drug screen, which resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), metabolites of alcohol. Stipulation Number Ten (10) of the Reinstatement Agreed Order dated October 27, 2011, states, in pertinent part:

“10) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose.”

A copy of the Findings of Fact, Conclusions of Law, and Agreed Eligibility Order dated October 27, 2011, is attached and incorporated by reference, as part of this proceeding.

The Texas Board of Nursing further finds that, given the nature of the charges concerning her fitness to practice, the continued practice of nursing by DENISE MICHELLE MARTINEZ constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Vocational Nurse License Number 116301, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 116301, issued to DENISE MICHELLE 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 61st day following the date of the entry of this order.

Entered this 24TH day of May, 2013.

TEXAS BOARD OF NURSING

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

In the Matter of § **BEFORE THE TEXAS**
Permanent Vocational Nurse §
License Number 116301 §
Issued to DENISE MICHELLE MARTINEZ, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DENISE MICHELLE MARTINEZ, is a Vocational Nurse holding License Number 116301, 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.

On or about May 10, 2013, Respondent became noncompliant with the Reinstatement Agreed Order issued to her on October 27, 2011, by the Texas Board of Nursing. Noncompliance is the result of her failure to abstain from the consumption of alcohol in that she produced a specimen for a random drug screen, which resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), metabolites of alcohol. Stipulation Number Ten (10) of the Reinstatement Agreed Order dated October 27, 2011, states, in pertinent part:

"(10) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose."

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(10)(D)&(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.

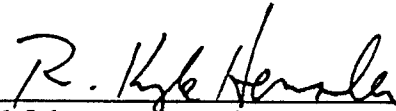
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.texas.gov.

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.

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: Order dated October 27, 2011.

Filed this 24th day of May, 2013.

TEXAS BOARD OF NURSING



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Attachments: Order of the Board dated October 27, 2011.
D/2012.06.19