



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

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In the Matter of § AGREED  
Registered Nurse License Number 583791 §  
& Vocational Nurse License Number 121738 §  
issued to KAREN ELAINE MARTIN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of KAREN ELAINE MARTIN, Registered Nurse License Number 583791 and Vocational Nurse License Number 121738, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 22, 2014, subject to ratification by the Board.

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 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's license to practice vocational nursing in the State of Texas is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Howard College, Big Spring, Texas, on September 1, 1988, and received an Associate Degree in Nursing from College of the Mainland, Texas City, Texas, on May 1, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on December 8, 1988, and was licensed to practice professional nursing in the State of Texas on August 31, 1992.

5. Respondent's nursing employment history includes:

12/1998-11/1990	Staff Nurse	The University of Texas Medical Branch Galveston, Texas
12/1990-12/1992	Staff Nurse	Bayshore Hospital Pasadena, Texas
2/1993-5/1995	Nurse Supervisor	Clear Lake Rehabilitation Webster, Texas
6/1995-7/1996	Nurse Supervisor	Holiday Retirement Center Sweetwater, Texas
6/1995-7/1996	RN Case Manager	Mediplex Abilene, Texas
8/1996-5/2000	Clinical Coordinator	Vencor Bay Area Hospital Pasadena, Texas
6/2000-2/2002	Staff Nurse	Bayshore Hospital Pasadena, Texas
3/2001-3/2002	Staff Nurse	Woodland Heights Hospital Lufkin, Texas
10/2001-3/2004	Staff Nurse	Woodlands Medical Center Lufkin, Texas
2/2002-9/2002	Clinical Coordinator	Memorial Hospital of East Texas Lufkin, Texas
4/2004-2/2005		Unknown
3/2005-9/2005	Nurse Supervisor	Timberwood Nursing Home Livingston, Texas
9/2005-10/2005	Staff Nurse	Castle Pines Nursing Home Lufkin, Texas
11/2005-7/2012	Nurse Supervisor	Lufkin State Supported Living Center Lufkin, Texas
7/2012-Present		Unknown

6. At the time of the incident, Respondent was employed as a Nurse Supervisor with Lufkin State Supported Living Center, Lufkin, Texas, and had been in this position for six (6) years and eight (8) months.
7. On or about July 9, 2012, while employed as a Nurse Supervisor with Lufkin State Supported Living Center, Lufkin, Texas, and working at Castle Pines Unit, Home 561-A, Respondent inappropriately administered Ensure formula orally to Patient Number 995, who was ordered to have nothing by mouth and was being fed by a gastronomy feeding tube. Respondent's conduct exposed the patient unnecessarily to a risk of harm from aspiration, which could lead to airway obstruction, pneumonia or death.
8. On or about July 9, 2012, while employed as a Nurse Supervisor with Lufkin State Supported Living Center, Lufkin, Texas, and working at Castle Pines Unit, Home 561-A, Respondent failed to document oral administration of Ensure formula to the aforementioned Patient Number 995 in the patient's medical record. Respondent's conduct resulted in an incomplete medical record, and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that staff reported to her that the resident had been coughing for a couple of hours, and when she assessed him, he was coughing and red in the face. Respondent states there was nothing ordered for cough, just moistened toothettes, which the patient refused and kept asking for chocolate milk. Respondent adds that she had taken care of the patient in the past and knew he could swallow and she was concerned about possible rupture of esophageal veins from the coughing. Respondent states that she gave the patient 30 cc of Ensure and he stopped coughing and went to sleep. Respondent states that she checked on the patient a couple more times overnight, and he had no further episodes of coughing.

#### 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(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M)&(3)(A) and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 583791 and Vocational Nurse License Number 121738, heretofore issued to KAREN ELAINE MARTIN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of WARNING WITH STIPULATIONS, 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 Texas Board of Nursing 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.texas.gov/compliance>.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.texas.gov/compliance>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on

RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

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 may be eligible for nurse licensure compact privileges, if any.

Signed this 10<sup>th</sup> day of October, 2019  
(Oscar San Miguel, Attorney for Respondent)

Approved as to form and substance.  
*[Signature]*

Notary Public in and for the State of Texas  
Blaine Turner



Sworn to and subscribed before me this 10 day of October, 2019.

KAREN ELAINE MARTIN, RESPONDENT  
*[Signature]*

Signed this 10 day of October, 2019.

consequence of my noncompliance.

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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

**RESPONDENT'S CERTIFICATION**



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10<sup>th</sup> day of October, 2014, by KAREN ELAINE MARTIN, Registered Nurse License Number 583791 and Vocational Nurse License Number 121738, and said Order is final.

Effective this 9th day of December, 2014.



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