



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.
William O. Martinez
Executive Director of the Board

**In the Matter of
Permanent Registered Nurse
License Number 648946
Issued to DEBORAH MARTINEZ,
Respondent**

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

ORDER OF TEMPORARY SUSPENSION

TO: DEBORAH MARTINEZ
3626 MANCHESTER DR
SAN ANTONIO, TX 78223

A public meeting of the Texas Board of Nursing was held on February 23, 2016 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 648946, issued to DEBORAH 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 DEBORAH 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 January 21, 2016, Respondent became non-complaint with the agreed order issued to her by the Texas Board of Nursing on October 20, 2015. Non-compliance is the result of Respondent failing to apply and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). Stipulation Number One (I), Subsection B, in the order dated October 20, 2015, states:

- B. Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00).

On or about January 21, 2016, Respondent's case with TPAPN was closed and she was referred back to the Board for deliberation.

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 DEBORAH MARTINEZ constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 648946, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 648946, issued to DEBORAH 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 23rd day of February, 2016.

TEXAS BOARD OF NURSING

BY:



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

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 648946	§	
Issued to DEBORAH MARTINEZ,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DEBORAH MARTINEZ, is a Registered Nurse holding License Number 648946, 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 January 21, 2016, Respondent became non-complaint with the agreed order issued to her by the Texas Board of Nursing on October 20, 2015. Non-compliance is the result of Respondent failing to apply and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). Stipulation Number One (I), Subsection B, in the order dated October 20, 2015, states:

- B. Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00).

On or about January 21, 2016, Respondent's case with TPAPN was closed and she was referred back to the Board for deliberation.

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(3),(9)&(11)(B).

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

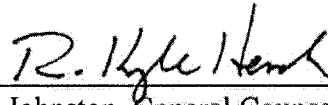
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

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 20, 2015.

Filed this 23rd day of February, 2016.

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

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

Robert Kyle Hensley, Assistant General Counsel
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Attachments: Order of the Board dated October 20, 2015
D(2015.11.18)

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	CONFIDENTIAL
Registered Nurse License Number 648946	§	AGREED ORDER FOR
issued to DEBORAH MARTINEZ	§	PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DEBORAH MARTINEZ, Registered Nurse License Number 648946, 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)&(12), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 28, 2015.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Diploma in Nursing from Baptist Health System, San Antonio, Texas, on December 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on February 24, 1998.
5. Respondent's nursing employment history includes:

03/1998-1999	Unknown	
1999-2000	Public Health Nurse Supervisor	City of San Antonio San Antonio, Texas
2000-2002	Senior Public Health Nurse	City of San Antonio San Antonio, Texas

Respondent's nursing employment history continued:

2002-2004	Environmental Health Nurse Supervisor	City of San Antonio San Antonio, Texas
2004-2005	Health Coach	HealthDialog San Antonio, Texas
2005	Clinical Nurse Consultant	LifeMasters San Antonio, Texas
2006-2007	Clinical Team Member	LifeMasters San Antonio, Texas
2007-2009	Patient Care Coordinator Supervisor	Humana Military Healthcare Services, San Antonio, Texas
2009-2010	Utilization Management Supervisor	Molina Healthcare San Antonio, Texas
2010-2011	Care Management Associate Supervisor	Aetna San Antonio, Texas
2011-2012	Case Manager	United Health Group San Antonio, Texas
01/2012-10/2013	Complex Case Manager II	Superior Health Plan San Antonio, Texas
10/2013-09/2014	Primary Nurse Case Administrator II	Blue Cross Blue Shield San Antonio, Texas
10/2014	Unknown	
11/2014-12/2014	Bilingual Telephonic Registered Nurse	Judge Healthcare San Antonio, Texas
01/2015-02/2015	Unknown	
03/2015-Present	Telephonic Project Registered Nurse	Judge Healthcare San Antonio, Texas

6. On or about August 14, 2014, to present, while licensed as a Registered Nurse Respondent lacked fitness to practice nursing in that she was diagnosed with Opioid Type Dependence-continuous use, Chronic Pain Syndrome, and Depressive Disorder. Additionally, Respondent's treating practitioner indicated that her "disease has impaired her ability from performing the essential job functions" as a nurse case manager.

7. In response to Finding of Fact Number Six (6), Respondent states she was on short term disability from February 18, 2014, through September 8, 2014, and during that time, in March of 2014, she voluntarily admitted herself to Methodist Specialty and Transplant Hospital for behavioral health treatment. Respondent states she continues to see her provider on a monthly basis, receives medications, and had been compliant with medication treatment.
8. Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
9. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder and mental illness.
10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances, substance use disorder or mental illness.
11. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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 §217.12(1)(A),(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 648946, heretofore issued to DEBORAH MARTINEZ.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply

with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

- A. Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN;
- B. Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00);
- C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive ~~confidentiality and provide a copy of the executed TPAPN participation agreement~~ to the Texas Board of Nursing;
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current; and
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, RESPONDENT agrees to 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.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, Respondent's license will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of entry of this Order:

A Board-approved course in Texas nursing jurisprudence and ethics that 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. Home study courses and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT ~~SHALL CAUSE the instructor to submit a Verification of Course Completion form~~ or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations

Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

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.

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RESPONDENT'S CERTIFICATION

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 consequence of my noncompliance.

Signed this 19th day of October, 2015.

Deborah Martinez
DEBORAH MARTINEZ, Respondent

Sworn to and subscribed before me this 19 day of Oct., 2015.

SEAL

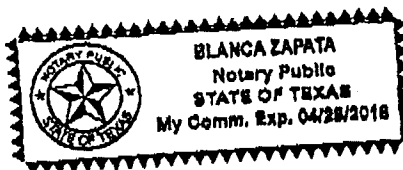
[Signature]
Notary Public in and for the State of Texas

Approved as to form and substance.

Oscar San Miguel

Oscar San Miguel, Attorney for Respondent

Signed this 19th day of October, 2015.



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 19th day of October, 2015, by DEBORAH MARTINEZ, Registered Nurse License Number 648946, and said Order is final.

Effective this 20th day of October, 2015.



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