



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  
Vocational Nurse License Number 213575 §  
issued to JIMMY MARTINEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JIMMY MARTINEZ, Vocational Nurse License Number 213575, 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)(2)&(10), 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 April 11, 2016.

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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Anamarc College, El Paso, Texas, on May 22, 2007. Respondent was licensed to practice vocational nursing in the State of Texas on December 13, 2007.
5. Respondent's vocational nursing employment history is unknown.
6. On or about June 20, 2012, Respondent submitted an online renewal document to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information in that he answered "No" to the following question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

H. been arrested or have any pending criminal charges?"

Respondent failed to disclose that on or about March 9, 2012, he was arrested by the El Paso Police Department, El Paso, Texas, for DRIVING WHILE INTOXICATED BLOOD ALCOHOL CONTENT  $\geq$  0.15, a misdemeanor offense.

7. On or about June 1, 2014, Respondent submitted an online renewal document to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information in that he answered "No" to the following question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

A. been convicted of a misdemeanor?

C. pled nolo contendere, no contest, or guilty?

E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?"

Respondent failed to disclose that on or about July 23, 2012, he entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED BLOOD ALCOHOL CONTENT  $\geq$  0.15, a misdemeanor offense committed on or about March 8, 2012, in the County Court at Law No. 1, El Paso, Texas, under Cause No. 20120C02406. As a result of the conviction, Respondent was sentenced to confinement in the El Paso County Jail for a period of one (1) year; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year and ordered to pay a fine and court costs.

8. In response to Findings of Fact Numbers Six (6) and Seven (7), Respondent states that he misunderstood his lawyer's advice and completed his license renewal incorrectly.
9. Formal Charges were filed on March 13, 2015.
10. Formal Charges were mailed to Respondent on March 17, 2015.
11. Respondent states he has had no previous criminal history before his March 9, 2012, arrest for DWI and subsequent conviction for same on July 23, 2012. He has had no later incident(s) of criminal behavior after his March 9, 2012, arrest for DWI and subsequent conviction. Respondent did not disclose his arrest and conviction under the advice of his two prior criminal attorneys. Respondent successfully and satisfactorily completed his probation. He was employed by the Del Sol Medical Center in El Paso, Texas, before his arrest and

conviction for DWI and has been retained by the same employer after his arrest and conviction. His employer is fully aware of his prior criminal history and has had no issues with him.

### 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(6)(I).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 213575, heretofore issued to JIMMY 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.

### TERMS OF ORDER

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION WITH A FINE** in accordance with the terms of 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. 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.

## II. COMPLIANCE WITH LAW

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.

## 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 the effective date of this Order, unless otherwise specifically indicated:**

- A. **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.
- B. 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/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](http://www.bon.texas.gov/compliance).*

**IV. MONETARY FINE**

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**V. 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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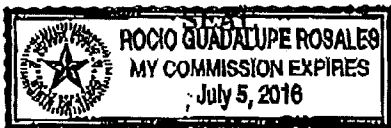
RESPONDENT'S CERTIFICATION

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. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20 day of April, 2016.

[Signature]  
JIMMY MARTINEZ, Respondent

Sworn to and subscribed before me this 20 day of April, 2016.



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

Approved as to form and substance.

[Signature]  
Adiah Oreyomi, Attorney for Respondent

Signed this 20<sup>th</sup> day of April, 2016.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 20<sup>th</sup> day of April, 2016, by JIMMY MARTINEZ, Vocational Nurse License Number 213575, and said Order is final.

Effective this 22<sup>nd</sup> day of April, 2016.



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