



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.
Heather P. Johnson
Executive Director of the Board

DOCKET NUMBER 507-16-1230

**IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 789504,
ISSUED TO
MARTINA DORFLEIN BARTA**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARING**

OPINION AND ORDER

**TO: MARTINA DORFLEIN BARTA
150 ENTERPRISE DR., #2330
MCKINNEY, TX 75069**

**ROY G. SCUDDAY
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701**

At the regularly scheduled public meeting of the Eligibility and Disciplinary Committee of the Texas Board of Nursing (Committee) on June 14, 2016, the Committee, pursuant to 22 Tex. Admin. Code §213.23, considered the following items: (1) Order No. 1, *Order Dismissing Case*, issued by the ALJ in the above cited matter; (2) Staff's recommendation to the Committee that the Respondent's registered nursing license be revoked by default; and (3) Respondent's recommendation to the Committee regarding the above cited matter, if any.

On February 29, 2016, the ALJ convened a hearing on the merits in this matter. Staff of the Board was present for the hearing. However, the Respondent was not present at the hearing, and no one appeared on her behalf. During the hearing on February 29, 2016, Staff introduced evidence into the record demonstrating that Respondent had been sent a First Amended Notice of Hearing by first class certified mail return receipt requested to her last known address of record maintained by the Board in accordance with 22 Tex. Admin. Code §213.10(a). The ALJ found that Staff's notice was adequate and issued Order No. 1, *Order Dismissing Case*, granting Staff's Motion for Default and dismissing the case from the docket of SOAH and remanding it to the Board for informal disposition on a default basis in accordance with the Government Code §2001.056 and §2001.058(d-1).

The Committee, after review and due consideration of Order No. 1, issued by the ALJ in the above cited matter, finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with the Government Code §2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Occupations Code Chapter 301 (Nursing Practice Act) for retention of Respondent's license to practice professional nursing in the State of Texas. The Committee further finds that the Second Amended Formal Charges were properly initiated and filed in accordance with the Occupations Code §301.458. The Committee further finds that proper and timely notice regarding the violations alleged in the Second Amended Formal Charges was given to Respondent in accordance with the requirements of the Government Code §2001.051 and §2001.052 and 1 Tex. Admin. Code §155.501.

The Committee further finds that the Respondent failed to appear in accordance with 22 Tex. Admin. Code Chapter 213 and 1 Tex. Admin. Code §155.501. As a result of the Respondent's failure to appear, the Committee has determined that the factual allegations listed in the Second Amended Formal Charges are to be deemed admitted by default and the Committee is authorized to enter a default order against the Respondent pursuant to the Government Code §2001.056 and §2001.058(d-1) and 22 Tex. Admin. Code §213.22. Further, the Committee has determined that it is entitled to revoke the Respondent's registered nursing license pursuant to 22 Tex. Admin. Code §213.23 and §213.33(m).

Therefore, the Committee hereby adopts the factual allegations, which have been deemed admitted, and the conclusions of law contained in the Second Amended Formal Charges, which are attached hereto and incorporated herein by reference for all purposes, and 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 in accordance with the Government Code Chapter 2001 and 22 Tex. Admin. Code §213.23(l), as applicable. 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.


IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 789504, previously issued to MARTINA DORFLEIN BARTA, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

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

FURTHER, pursuant to the Occupations Code §301.467, RESPONDENT is not eligible to petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for relicensure.

Entered this 14th day of June, 2016.

TEXAS BOARD OF NURSING



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Second Amended Formal Charges

In the Matter of § **BEFORE THE TEXAS**
Permanent Registered Nurse §
License Number 789504 §
Issued to MARTINA DORFLEIN BARTA, §
Respondent § **BOARD OF NURSING**

SECOND AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARTINA DORFLEIN BARTA, is a Registered Nurse holding License Number 789504, 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 April 24, 2012, Respondent failed to repay her Texas Guaranteed Student Loan, as provided in Section 57.491 of the Texas Education Code. Respondent's failure to repay her Texas Guaranteed Student Loan may have deprived other applicants of funds for nursing school loans.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(7).

CHARGE II.

On or about October 2, 2012, while employed as a Registered Nurse with The Medical Center of McKinney, McKinney, Texas, Respondent discussed personal issues and her stress level with Patient P.W. Respondent's conduct was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient. In addition, Respondent's conduct may have caused delayed distress for the patient, which may not be recognized or felt by the patient until harmful consequences occur.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A)&(J) and 22 TEX. ADMIN. CODE §217.12(1)(B)&(6)(D).

CHARGE III.

On or about October 2, 2012, while employed as a Registered Nurse with The Medical Center of McKinney, McKinney, Texas, Respondent violated the professional boundaries of the nurse-client relationship, in that she discussed using crystal meth and smoking crack with Patient E.E. The Respondent asked Patient E.E.'s sitter to leave the room, making Patient E.E. uncomfortable. the

Respondent proceeded to show Patient E.E. pictures on her phone, and referred to the individuals in the pictures as her "fuck buddies". Respondent also showed Patient E.E. a picture of a man's penis. Respondent's conduct may have caused delayed distress for the patient, which may not be recognized or felt by the patient until harmful consequences occur.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A)&(J) and 22 TEX. ADMIN. CODE §217.12(1)(B)&(6)(D).

CHARGE IV.

On or about October 2, 2012, while employed as a Registered Nurse with The Medical Center of McKinney, McKinney, Texas, Respondent administered 4 mg of Morphine to Patient E.E., when the patient was ordered to receive 2 mg of Morphine. The Respondent then falsely documented she administered 2mg of Morphine to Patient E.E. in the patient's Medication Administration Records. The Respondent admitted that she erroneously pulled and gave the patient 4 mg of Morphine.

Date	Patient	Order	Narc Log	MAR	Notes	Waste
10/2/2012	E.E.	Morphine 2mg IV q4h PRN pain	4mg Morphine @ 2021	2mg Morphine @ 2023	2030 - Pain 4	None

Respondent's conduct was likely to injure the patient, in that the administration of Morphine in excess dosage of the physician's order could result in the patient suffering from adverse reactions including but not limited to cardiac arrest and respiratory depression. Furthermore, Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the patient in that subsequent care givers did not have accurate information on which to base their decisions for further care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A) and 217.12(4),(10)(C)&(11)(B).

CHARGE V.

On or about October 2, 2012, while employed as a Registered Nurse with The Medical Center of McKinney, McKinney, Texas, Respondent misappropriated Morphine belonging to the facility and patients thereof, or failed to take the precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of medications, and is a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(4),(6)(G),(8),(10)(E)&(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.

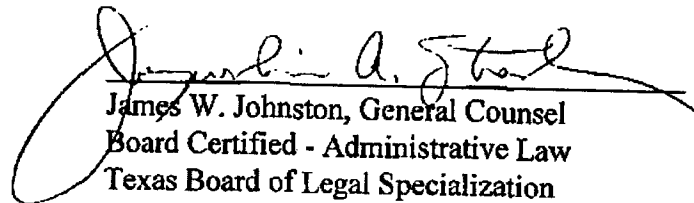
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying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

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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.

Filed this 16th day of December, 2015.

TEXAS BOARD OF NURSING


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