



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.  
*Patricia 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 205072 §  
issued to EMMALY MARTINEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of EMMALY MARTINEZ, Vocational Nurse License Number 205072, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

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 Degree in Vocational Nursing from Southwest Texas Junior College, Eagle Pass, Texas on May 13, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on August 1, 2006.
5. Respondent's vocational nursing employment history is unknown.

6. On or about November 19, 2014, Respondent was arrested and subsequently charged under Cause No. 14-CR-00916-FB with Count I CONSPIRACY TO POSSESS A CONTROLLED SUBSTANCE WITH INTENT TO DISTRIBUTE (MARIJUANA), Count II CONSPIRACY TO IMPORT WITH INTENT TO DISTRIBUTE A CONTROLLED SUBSTANCE (MARIJUANA), and Count VII LAUNDERING OF MONETARY INSTRUMENTS, in the United States District Court, Western District of Texas, San Antonio Division. On or about June 24, 2016, all remaining counts were dismissed.

On or about June 24, 2016, Respondent entered a plea of Guilty to and was convicted of MISPRISION OF FELONY (CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE MORE THAN 50 KILO OF MARIJUANA), committed on or about April 18, 2014, in the United States District Court of Western District of Texas San Antonio Division, under Cause No. SA:14-CR-00916-FB(13). As a result of the conviction, Respondent was placed on probation for a period of five (5) years and ordered to pay an Assessment fee.

7. In response to Finding of Fact Number Six (6), Respondent states on November 19, 2014 her house was searched and cleared by DEA agents. She was taken to the DEA office in Eagle Pass, Texas, where she was told she had a warrant for her arrest. On December 1, 2014, she was released on pre-trial bond.
8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

#### 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(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(3)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 205072, heretofore issued to EMMALY MARTINEZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
8. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

### **TERMS OF ORDER**

NOW, THEREFORE, IT IS AGREED and ORDERED that the **VOLUNTARY SURRENDER** of Vocational Nurse License Number 205072, heretofore issued to EMMALY MARTINEZ, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself/himself as a vocational nurse, or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. 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 this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 14<sup>th</sup> day of August, 2016.

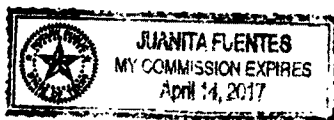
Emmalyn Martinez  
EMMALY MARTINEZ, Respondent

Sworn to and subscribed before me this 14<sup>th</sup> day of August, 2016.

SEAL

Juanita Fuentes

Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept the voluntary surrender of Vocational Nurse License Number 205072, previously issued to EMMALY MARTINEZ.

Effective this 22nd day of August, 2016.



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