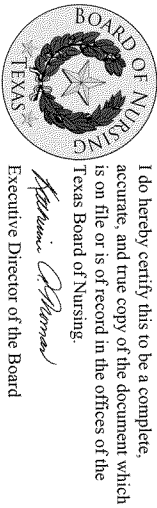


IN THE MATTER OF PERMANENT  
REGISTERED NURSE  
LICENSE NUMBER 590892  
ISSUED TO  
BENITA MARTINEZ,  
RESPONDENT

§ BEFORE THE TEXAS  
§  
§ BOARD OF NURSING  
§  
§ ELIGIBILITY AND  
§  
§ DISCIPLINARY COMMITTEE



**ORDER OF THE BOARD**

TO: BENITA MARTINEZ  
2119 E. BOWIE  
HARLINGEN, TX 78550

During open meeting held in Austin, Texas, on November 8, 2016, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the 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 [22 TEX. ADMIN.CODE § 213.16(j)]. 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.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 590892, previously issued to BENITA MARTINEZ, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 8th day of November, 2016.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed August 29, 2016.


d17r(RN)(2016.05.11)

Re: Permanent Registered Nurse License Number 590892  
Issued to BENITA MARTINEZ  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>th</sup> day of November, 2016, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested  
BENITA MARTINEZ  
2119 E. BOWIE  
HARLINGEN, TX 78550

BY:   
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of** § **BEFORE THE TEXAS**  
**Permanent Registered Nurse** §  
**License Number 590892** §  
**Issued to BENITA MARTINEZ,** §  
**Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BENITA MARTINEZ, is a Registered Nurse holding License Number 590892, 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 19, 2016, while employed as a Staff Nurse with Lifecare Hospitals of South Texas, McAllen, Texas, Respondent failed to turn the bed alarm back on after turning it off earlier in the morning when she repositioned Patient Medical Record Number 14503, who was on fall precautions, status-post craniotomy with an area of missing skull bone. The patient informed Respondent at 7 am that he wanted to get up out of bed. Six (6) minutes later, the patient was found face down on his room floor, a Code Blue was called, and the patient expired. Respondent's conduct was likely to injure the patient in that significant changes in the patient's status may have gone undetected and prevented a timely intervention.

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),(1)(B),(1)(M)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

#### **CHARGE II.**

On or about May 15, 2016, while employed as a Staff Nurse with Lifecare Hospitals of South Texas, McAllen, Texas, Respondent failed to wear gloves or wash her hands, as required, prior to performing a peripherally inserted central catheter (PICC) line dressing change on Patient Medical Record Number 14550, even though the aforementioned patient requested that Respondent wash her hands. Respondent's conduct exposed the patient unnecessarily to a risk of harm from systemic infection.

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),(1)(B),(1)(M),&(1)(O) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

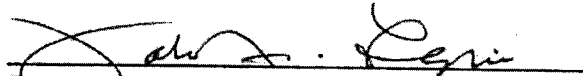
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. 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](http://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](http://www.bon.texas.gov).

Filed this 29<sup>th</sup> day of August, 20 16.

TEXAS BOARD OF NURSING



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