



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or its 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

In the Matter of § AGREED
Registered Nurse License Number 768710 §
& Vocational Nurse License Number 176888 §
issued to GRETCHEN MARIA MARTINEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GRETCHEN MARIA MARTINEZ, Registered Nurse License Number 768710 and Vocational Nurse License Number 176888, 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)(1),(9),(10)&(13), 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 March 8, 2017.

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 delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Galen College of Nursing, San Antonio, Texas, on July 20, 2000, and received an Associate Degree in Nursing from Blue Ridge Community College, Weyers Cave, Virginia, on May 12, 2007. Respondent was licensed to practice vocational nursing in the State of Texas on August 24, 2000, and was licensed to practice professional nursing in the State of Texas on June 3, 2009.

5. Respondent's nursing employment history includes:

08/00 - 02/09	Unknown	
02/09 - 10/13	RN	University Health Systems San Antonio, Texas
06/13 - 10/15	RN	Texas Home Health San Antonio, Texas
11/15 - 04/16	RN	Laurel Ridge Texas Center San Antonio, Texas
04/16 - 06/16	Unknown	
06/16 - 08/16	RN	Autumn Winds Living & Rehabilitation Schertz, Texas
08/16 - Present	Unknown	

6. On or about December 17, 2015, Respondent was issued an Enforced Suspension for Texas Peer Assistance Program for Nurses (TPAPN) by the Texas Board of Nursing. On or about February 28, 2017, Respondent was dismissed from TPAPN and referred back to the Board. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated December 17, 2015, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Autumn Winds Living & Rehabilitation, Schertz, Texas, and had been in that position for forty-seven (47) days.
8. On or about July 20, 2016, while employed as a Registered Nurse with Autumn Winds Living & Rehabilitation, Schertz, Texas, Respondent verbally and physically abused Resident J.H. in that she kicked his foot and told him "Get your ass up!" after he was discovered on the floor next to the bed. Respondent's conduct was likely to cause emotional, physical, and/or psychological harm to the patient and could have interfered or disrupted this patient's treatment.
9. On or about July 20, 2016, while employed as a Registered Nurse with Autumn Winds Living & Rehabilitation, Schertz, Texas, Respondent neglected Resident J.H. in that she failed to properly assess and/or document assessment of Resident J.H. after she observed him on the floor in his room. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have complete information on which to base their care decisions.

10. On or about July 20, 2016, while employed as a Registered Nurse with Autumn Winds Living & Rehabilitation, Schertz, Texas, Respondent failed to complete an incident/accident report form after she observed Resident J.H. on the floor in his room . Respondent's conduct exposed the patient unnecessarily to risk of harm in that failure to report incident could have resulted in patients not getting the care needed.
11. On or about February 28, 2017, Respondent became noncompliant with the Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on December 17, 2015. Noncompliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement. Specifically, Respondent failed to abstain from the consumption of alcohol in that she produced a urine specimen for a random drug screen that resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), which are metabolites of Alcohol (ethanol). Section I, Stipulation D Agreed Order for Peer Assistance Program dated December 17, 2015, states:

“(D) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term....”
12. In response to Findings of Fact Numbers Eight (8), through Eleven (11), Respondent states at no time did she use any derogatory language or was verbally or physically abusive to J.H. Respondent states in bringing the patient back to his feet, she placed her foot in front of his foot (which he still had shoes on) to help with traction to prevent the patient from falling when being assisted to get up. Respondent states she did assess the patient and found no injuries. Respondent states she was doing her routine rounds when she was summoned by a nursing aide that was present in the room with patient J.H. and was told he was crawling on the floor. Respondent states she questioned the aide and med aide who both informed her that this was a typical behavior for this patient. Respondent states the patient often crawled out of his bed onto the floor and out of his room.
13. 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 or chemical dependency.

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 § 217.11(1)(A), (1)(B) & (1)(D) and 22 TEX. ADMIN. CODE

§217.12(1)(A),(1)(B),(1)(C),(4),(6)(C),(6)(F),(9)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(9),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 768710 and Vocational Nurse License Number 176888, heretofore issued to GRETCHEN MARIA 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.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 768710 and Vocational Nurse License Number 176888, previously issued to GRETCHEN MARIA MARTINEZ, to practice nursing in Texas are hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of three (3) years **AND** until Respondent fulfills the requirements 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. SUPERCEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Order SHALL supercede all previous stipulations required by any Order entered by the Texas Board of Nursing.

IV. 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 "Detecting and Preventing Abuse and Neglect ..."** a 5.0 contact hour workshop presented in various locations by the Texas Department of Aging and Disability Services.
- C. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.

- D. 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.*

V. **MONETARY FINE**

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) 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.

VI. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of

this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.

- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. Indirect Supervision:** For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- E. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These

reports shall be completed by the nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for twelve (12) quarters [three (3) years] of employment as a nurse.

VII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, nalbuphine, propofol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.
- B. While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, nalbuphine, propofol and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when RESPONDENT obtains employment and submits the Notification of Employment form to the Board.
- For the first three (3) month [1st quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
 - For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
 - For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
 - For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Any test result for a period of time in which the RESPONDENT is not working as a nurse

under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for any or all of the following substances and/or their metabolites:

Amphetamine	Methamphetamine	MDMA
MDA	Alprazolam	Diazepam
Alpha-o-alprazolam	Alpha-Hydroxytriazolam	Clonazepam
Desmethyldiazepam	Lorazepam	Midazolam
Oxazepam	Temazepam	Amobarbital
Butobarbital	Butalbital	Pentobarbital
Phenobarbital	Secobarbital	Codeine
Hydrocodone	Hydromorphone	Methadone
Morphine	Opiates	Oxycodone
Oxymorphone	Propoxyphene	Cannabinoids
Cocaine	Phencyclidine	Ethanol
Heroin	Fentanyl	Tramadol
Meperidine	Carisoprodol	Butorphanol
Nalbuphine	Ketamine	Propofol

Upon enrollment in the Board's drug and alcohol testing program, **RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not RESPONDENT has been selected to produce a specimen for screening that day** and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **a Board representative may appear** at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to 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. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

- C. While under the terms of this Order, RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

VIII. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IX. 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

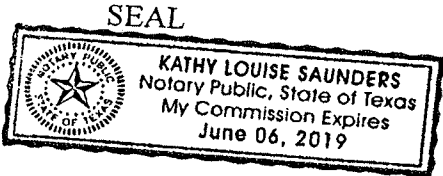
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 26 day of May, 2017

Gretchen Maria Martinez
GRETCHEN MARIA MARTINEZ, Respondent

Sworn to and subscribed before me this 26th day of May, 2017.

Kathy Louise Saunders
Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of May, 2017, by GRETCHEN MARIA MARTINEZ, Registered Nurse License Number 768710 and Vocational Nurse License Number 176888, and said Order is final.

Effective this 20th day of July, 2017.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 768710 §
& Vocational Nurse License Number 176888 §
issued to GRETCHEN MARIA MARTINEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GRETCHEN MARIA MARTINEZ, Registered Nurse License Number 768710 and Vocational Nurse License Number 176888, 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),(9)&(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 October 22, 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 vocational nurse in the State of Texas is in current status. Respondent's license to practice as a professional nurse in the State of Texas is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Galen College of Nursing San Antonio, Texas on July 20, 2000, and received an Associates Degree in Nursing from Blue Ridge Community College, Weyers Cave, Virginia, on May 12, 2007. Respondent was licensed to practice vocational nursing in the State of Texas on August 24, 2000, and Respondent was licensed to practice professional nursing in the State of Texas on June 3, 2009.



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

5. Respondent's nursing employment history is unknown.
6. On or about April 6, 2015, Respondent submitted a Texas Online Renewal Document Registered Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the 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?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about April 15, 2014, Respondent entered a plea of No Contest or Nolo Contender to and was convicted of DRIVING WHILE INTOXICATED BAC \geq 0.15, a Class A misdemeanor offense committed on August 15, 2013, in the County Court at Law No. 1 of Comal County, Texas, under Cause No. 2013CR1251. As a result of the conviction, Respondent was sentenced to confinement in the Comal County Jail for a period of three hundred sixty-five days; however imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of eighteen (18) months, and ordered to pay a fine and court costs.

Additionally, Respondent failed to disclose that on or about August 1, 2014, Respondent was arrested by the New Braunfels police Department, New Braunfels, Texas and subsequently charged under Cause No. 2015CR0433 for DRIVING WHILE INTOXICATED BAC \geq 0.15, a Class A misdemeanor offense. The criminal charge was still pending at the time Respondent submitted the renewal to the Board

7. On or about June 23, 2015, Respondent entered a plea of No Contest or Nolo Contendre to and was convicted of DRIVING WHILE INTOXICATED BAC \geq 0.15, a Class A misdemeanor offense committed on August 1, 2014, in the County Court at Law No. 1 of Comal County, Texas, under Cause No. 2015CR0433. As a result of the conviction, Respondent was sentenced to confinement in the Comal County Jail for a period of three hundred sixty-five days; however imposition of the sentence of confinement was suspended

and Respondent was placed on probation for a period of twenty-four (24) months, and ordered to pay a fine and court costs. Ignition Interlock Requirement.

8. In response to Findings of Fact Number Six (6) and Seven (7), Respondent states in renewing her nursing license, her intent was not to be deceptive however, not answering the questions was a result of fear of a very personal matter, which she has been struggling with over the past few years. About 3 years ago, going through a separation and working in a stressful environment and, she started drinking to help herself calm down. August of 2013, she was arrested for DWI. She can only remember drinking at home, then waking up in a hospital with a police officer by her side, waiting to take her to jail. In April 2014, she went to court and was given a sentence to 18 months probation along with community service. She is currently going through a rehabilitation program through the court system. She is currently in accountability court and receiving counseling. She now has in place a support system that is helping her overcome drinking.

9. On September 2, 2015, Respondent was seen by Dr. Sean G. Connolly, Ph.D., who stated the following:

Respondent has been sober for 212 days and has now had nine months of sobriety. She does not present with objective data from the MMPI-2 of having a profile that is common for individual who are chemically dependent, but one subscale, score does place her in the borderline range of possibly having an addictive personality. Her response to the SASSI-3, also indicate a potential dependency characteristic. This is not to indicate that she is abusing alcohol on an ongoing basis, but if she were to do so, she may have a high likelihood of becoming dependent and addicted. This will be a significant awareness for her. Continued sobriety will be essential to avoid the prospects of becoming dependent on alcohol. This will also be particularly true for her, since she has had the Roux-en-Y gastric bypass surgery, and the fact that very little alcohol can cause signs of intoxication as compared to an individual who has never worked with is to avoid alcohol as much a possible after weight loss surgery. This would also be particularly important for her as an additional source of motivation.

With her continuing participation and the intensity of her current rehabilitation program, monitored very closely by the courts, it is recommended that she be considered for ongoing practice of nursing in the State of Texas, assuming she will remain committed and determined to maintain sobriety. She may benefit from some professional work. With these supports it is this clinician's opinion that she does manifest fitness to practice nursing.

10. Respondent's last known date of sobriety is more than two hundred and twelve days ago, as indicated in Finding of Fact Number Nine (9).

11. 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 or chemical dependency.

12. 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.
13. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
14. 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 or substance use disorder.
15. 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(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(9)&(10) Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 768710 and Vocational Nurse License Number 176888, heretofore issued to GRETCHEN MARIA 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.
5. 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.

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TERMS OF ORDER

I. **SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 768710 and Vocational Nurse License Number 176888, previously issued to GRETCHEN MARIA MARTINEZ, to practice nursing in Texas are hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00); and
- B. Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and **RESPONDENT** will be placed on **PROBATION** for such a time as is required for **RESPONDENT** to successfully complete the **TPAPN AND** until Respondent fulfills the additional requirements of this Order.

- C. **RESPONDENT SHALL** pay all re-registration fees, if applicable, and **RESPONDENT'S** licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- 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.
- E. **RESPONDENT SHALL CAUSE** the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order **SHALL** apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- G. This Order **SHALL** be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

- H. 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 suspension being stayed:

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. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty

dollars (\$250.00), 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. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

VI. 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.

VII. 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

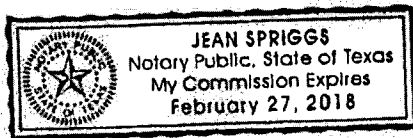
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 14 day of Dec, 2015.

Gretchen Maria Martinez
GRETCHEN MARIA MARTINEZ, Respondent

Sworn to and subscribed before me this 14 day of Dec, 2015.

SEAL



Jean Spriggs
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 ratify and adopt the Agreed Order that was signed on the 14th day of December, 2015, by GRETCHEN MARIA MARTINEZ, Registered Nurse License Number 768710 and Vocational Nurse License Number 176888, and said Order is final.

Effective this 17th day of December, 2015.



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