



Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 841457 §
issued to ADRIANA MARTINEZ BARTEE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ADRIANA MARTINEZ BARTEE, Registered Nurse License Number 841457, 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)(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 August 15, 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 professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Angelo State University, San Angelo, Texas, on May 1, 2013. Respondent was licensed to practice professional nursing in the State of Texas on July 23, 2013.
5. Respondent's nursing employment history includes:

8/2013-12/2015	Staff Nurse	Hendrick Medical Center Medical Surgical/Orthopedic Unit Abilene, Texas
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Respondent's nursing employment history continued:

1/2016-6/2016	Staff Nurse	Hendrick Medical Center Mother/Baby Unit Abilene, Texas
7/2016-8/2016	Unknown	
9/2016-Present	Staff Nurse	Abilene Regional Medical Center Abilene, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Hendrick Medical Center, Abilene, Texas, and had been in that position for two (2) years and one (1) month.
7. On or about September 14, 2015, through September 15, 2015, while employed as a Staff Nurse with Hendrick Medical Center, Abilene, Texas, Respondent failed to intervene and call a Rapid Response Team (RRT) and/or the physician in response to a decline in condition of post-surgical Patient Number 0453391. The patient experienced anxiety, agitation, increased breathing rate, and stated that he felt like he was going to die. Approximately three (3) hours later, the patient received a breathing treatment, and RRT was called at that time. Subsequently, the patient expired. Respondent's conduct resulted in a delay in urgent treatment for the patient that was needed to prevent further complications, and may have contributed to the patient's subsequent demise.
8. On or about May 17, 2016, while employed as a Staff Nurse with Hendrick Medical Center, Abilene, Texas, Respondent failed to document output in the medical record of Patient Number 0400105 for seven (7) hours. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
9. On or about May 24, 2016, while employed as a Staff Nurse with Hendrick Medical Center, Abilene, Texas, Respondent failed to reassess postpartum Patient Number 0714588 for uterine bleeding throughout the shift, after the patient had increased bleeding and was administered Methergine, which is used to treat uterine bleeding. Respondent's conduct was likely to injure the patient from potentially adverse complications of undetected and untreated continued uterine bleeding.
10. On or about May 25, 2016, while employed as a Staff Nurse with Hendrick Medical Center, Abilene, Texas, Respondent failed to completely assess, and/or document, in the medical record of Patient Number 0958138 regarding Magnesium assessments, including urine output, clonus, and deep tendon reflexes (DTR). Additionally, Respondent failed to timely reassess vital signs after abnormal readings. Respondent's conduct resulted in an incomplete

medical record, and was likely to injure the patient from clinical care decisions based upon incomplete assessment information

11. On or about June 7, 2016, while employed as a Staff Nurse with Hendrick Medical Center, Abilene, Texas, Respondent failed to timely intervene when Patient Number 1146841 had 8/10 unresolved pain level after pain medication was administered. Additionally, Respondent failed to reassess the patient's oxygen levels and respirations after administration of Dilaudid, which can cause respiratory depression. Respondent's conduct was likely to injure the patient from a delay in treatment for the pain experienced, and from clinical care decisions based upon incomplete assessment information.
12. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that the patient was stable and did not decline until between 10-11 pm, when he became increasingly agitated and tachypneic, and then the breathing treatment was ordered between 11 pm and 12 am. Respondent adds that when the patient's condition continued to deteriorate, the RRT and physician were called. Respondent states that she did not fail to intervene, because a breathing treatment was ordered, then RRT was called at approximately 12:30 am. Respondent states that she did completely and adequately document in the medical record, and even if the documentation was incomplete, that would be a minor incident.
13. Formal Charges were filed on February 21, 2017.
14. Formal Charges were mailed to Respondent on February 22, 2017.
15. On or about August 1, 2017, Respondent submitted letters of support to the Board from her charge nurse, Emily Deffenbaugh, and Cheryl Walzer, Director of Medical-Surgical Services at Abilene Regional Medical Center, Abilene, Texas, stating that Respondent is a conscientious and responsible nurse, and she continues to work without any clinical or employment issues.

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

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 841457, heretofore issued to ADRIANA MARTINEZ BARTEE, 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 that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** 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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the

Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

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. A Board-approved course in physical assessment with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- 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. 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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. 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. Indirect Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, 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.
- D. Incident Reporting:** For the remainder of the stipulation/probation period, RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. 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.

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 29 day of August, 2017.

Adriana Martinez Bartee
ADRIANA MARTINEZ BARTEE, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

Approved as to form and substance.

Alejandro Mora
Alejandro Mora, Attorney for Respondent

Signed this 19th day of August, 2017.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of August, 2017, by ADRIANA MARTINEZ BARTEE, Registered Nurse License Number 841457, and said Order is final.

Effective this 26th day of October, 2017.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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