



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 860581 §
issued to MARY MARTINEZ §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARY MARTINEZ, Registered Nurse License Number 860581, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 16, 2019.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in delinquent status.
4. Respondent received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on May 16, 2014. Respondent was licensed to practice professional nursing in the State of Texas on July 10, 2014.
5. Respondent's nursing employment history includes:

7/2014 – 5/2015	Registered Nurse	Fresenius Dialysis San Antonio, Texas
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Respondent's nursing employment history continued:

5/2015 – 7/2017	Registered Nurse	US Renal San Antonio, Texas
7/2017 – 1/2018	Unknown	
1/2018 – 9/2018	Registered Nurse	University Health System San Antonio, Texas
10/2018 -- Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with University Health System, San Antonio, Texas, and had been in that position for eight (8) months.
7. On or about August 11, 2018, while employed as a Registered Nurse with University Health System, San Antonio, Texas, Respondent falsified a physician order for Hemodialysis Patient Medical Record Number JL21235713, in that Respondent wrote a limit for fluid removal during hemodialysis treatments to not exceed 3.5 Liters; furthermore, Respondent entered the aforementioned false order under the name of a physician who was not involved in the patient's care. Respondent's conduct created a false medical record and exposed the patient to risk of harm from hypervolemia; including, edema, shortness of breath, and elevated blood pressure.
8. On or about August 16, 2018, through September 15, 2018, while employed as a Registered Nurse with University Health System, San Antonio, Texas, Respondent violated the boundaries of the nurse/client relationship by providing direct-patient care to Hemodialysis Patient JL21235713, with whom Respondent had a personal relationship, after being instructed by nursing leadership she would no longer be assigned to care for the patient, a directive Respondent disregarded; additionally, Respondent assisted the patient in leaving the hospital against medical advice (AMA) after the patient had been admitted for pneumonia. Respondent's conduct exposed the patient to a risk of harm in that it could have resulted in confusion between the needs of the nurse and those of the patient.
9. On or about August 25, 2018, while employed as a Registered Nurse with University Health System, San Antonio, Texas, Respondent asked a patient care technician assigned to Hemodialysis Patient Medical Record Number JL21235713 to change a treatment note since Respondent believed said note made the patient appear to be non-compliant with the dialysis treatment; when the patient care technician refused to amend the note, Respondent improperly deleted it. Respondent's comment created a false 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.

10. On or about August 28, 2018, while employed as a Registered Nurse with University Health System, San Antonio, Texas, Respondent failed to document a plan of care for Patient Medical Record Number 01231108. Respondent's conduct created an incomplete medical record 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.
11. In response to the incident in Finding of Fact Number Seven (7), Respondent states she did not write the order. Respondent states she did write a fluid removal limit in the special instructions section of the treatment sheet. In response to the incident in Finding of Fact Number Eight (8), Respondent states the patient experienced a hypovolemic emergency, requiring intervention. In response to the incident in Finding of Fact Number Nine (9), Respondent states she only documented detailed nursing notes on care provided to the patient. Respondent further states the clinic is guilty of falsifying and manipulating medical records. In response to the incident in Finding of Fact Number Ten (10), Respondent states the care plan was not completed on time and also states the physician was aware. Respondent further states the physician assisted with completing the care plan.
12. Formal Charges were filed on May 24, 2019.

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)(J),(1)(M),(1)(O),(1)(P)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A)&(6)(D).
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 860581. heretofore issued to MARY MARTINEZ.
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 **WARNING 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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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 and video programs will not be approved.
- B. **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.
- C. **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.
- D. **The course "Professional Boundaries in Nursing,"** a 3.0 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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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:** 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 of 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. **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 four (4) quarters [one (1) year] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, 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 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 is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 25 day of Sept, 20 19.

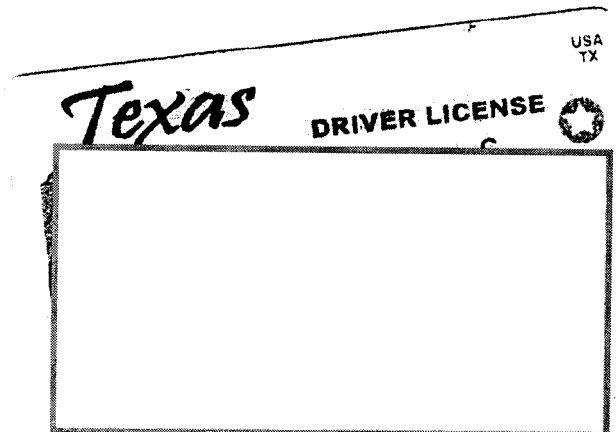
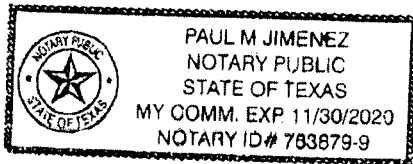
Mary Martinez
x _____
MARY MARTINEZ RESPONDENT

Sworn to and subscribed before me this 25 day of Sept, 20 19

SEAL.

Paul M Jimenez

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 25th day of September, 2019, by MARY MARTINEZ, Registered Nurse License Number 860581, and said Agreed Order is final.

Effective this 12th day of November, 2019.



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