

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Vocational Nurse License Number 222599	§	
issued to MARTHA DE NELL ROBIN	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARTHA DE NELL ROBIN, Vocational Nurse License Number 222599, 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 March 18, 2021.

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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Southwest Texas Junior College, Uvalde, Texas, on May 16, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on July 7, 2009.
5. Respondent's nursing employment history includes:

7/2009 – 10/2010 Unknown

11/2010 – 11/2019 MDS Coordinator Uvalde Healthcare and Rehabilitation Center
Uvalde, Texas

Respondent's nursing employment history continued:

11/2019 – 5/2020	Not Employed in Nursing	
6/2020 – 6/2020	Clinical Coordinator	Superior Home Health Care Uvalde, Texas
7/2020 – Present	MDS Coordinator	Uvalde Healthcare and Rehabilitation Center Uvalde, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse and MDS Coordinator, with Uvalde Healthcare and Rehabilitation Center, Uvalde, Texas, and had been in that position for four (4) months.
7. On or about November 27, 2020, while employed as a Licensed Vocational Nurse (LVN) and MDS Coordinator, with Uvalde Healthcare and Rehabilitation Center, Uvalde, Texas, Respondent responded to a Code Blue for Resident GL, but failed to intervene for the resident after she discovered that rescue breaths were not being provided. Instead, Respondent allowed the other nurses to continue with chest compressions and left the non-rebreather mask on the resident. Resident GL was subsequently pronounced deceased by Emergency Medical Services (EMS) personnel. Respondent's conduct may have contributed to the resident's demise.
8. In response to Finding of Fact Number Seven (7), Respondent states she was told about the Code by a certified nurse aide (CNA). Respondent states she hurried down to the room and opened the door to see if anyone needed help. Respondent states she was asked to clear the area in preparation for EMS arrival. Respondent states she unplugged and pushed the lift towards the foot of the bed, and she was then able to get close to the scene. Respondent states she noticed that compressions were being done, but no rescue breaths were being given, and she saw the resident had a non-rebreather mask on. Respondent states she called out and asked, "are we not doing breaths?" Respondent states an LVN replied, "no, we have her on oxygen." Respondent states she tried to rationalize that response and her thought in the moment was, "ok, I'm the last one in here, maybe I'm not aware of an updated protocol in CPR after COVID." Respondent states she left the room when EMS arrived. Respondent states after the Code, she asked her CPR instructor if oxygen was sufficient in replacing the rescue breaths and he stated no. Respondent states after getting this information, she notified the other nurses involved and then notified the Administrator. Respondent further states that she does not provide direct patient care in her current position as an MDS Coordinator.
9. On or about November 27, 2020, Respondent successfully completed a course in Basic Life Support (BLS), which would have been a requirement of this Order.

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)(M)&(2) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 222599, heretofore issued to MARTHA DE NELL ROBIN.
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 **LIMITED LICENSE WITH STIPULATIONS** in accordance with the terms of this Order.

- A. While under the terms of this Order, **RESPONDENT SHALL NOT provide direct patient care.** For the purposes of this Order, direct patient care involves the formation of a relationship between the nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.
- B. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- C. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- D. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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. 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 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.

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. RESTORATION OF PATIENT CARE PRIVILEGES AND/OR UNENCUMBERED LICENSE(S)

SHOULD RESPONDENT desire to provide direct patient care, RESPONDENT SHALL petition the Board for such approval, at which time, the RESPONDENT MUST

satisfy all then existing requirements for restoration of the privilege to provide direct patient care. Further, the Board may impose reasonable conditions that must be satisfied by the RESPONDENT before restoration of an unencumbered license, which, at a minimum, shall include the remedial education courses, work restrictions, supervised practice, and/or employer reporting which would have been requirements of this Agreed Order had the license(s) not been placed in limited status.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 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 5th day of April, 2021.

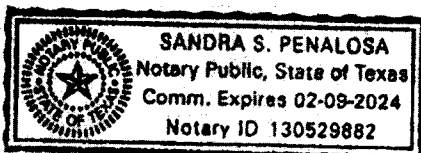
Martina De Nell Robin
MARTHA DE NELL ROBIN, RESPONDENT

Sworn to and subscribed before me this 5th day of April, 2021.

SEAL

Sandra S Penalosa

Notary Public in and for the State of Texas



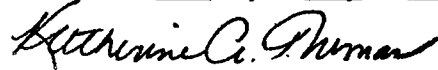
William Hopkins
Approved as to form and substance.

William Hopkins, Attorney for Respondent

Signed this 8th day of April, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5th day of April, 2021, by MARTHA DE NELL ROBIN, Vocational Nurse License Number 222599, and said Agreed Order is final.

Effective this 11th day of May, 2021.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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