



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
Vocational Nurse License Number 188383	§	
issued to TERESA MARIE MARTINEZ.	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TERESA MARIE MARTINEZ, Vocational Nurse License Number 188383, 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 29, 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 St Philips College - San Antonio, San Antonio, Texas, on December 12, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on March 6, 2003.
5. Respondent's nursing employment history includes:

3/2003	4/2008	Unknown
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Respondent's nursing employment history continued:

5/2008 - 11/2014	L.VN	Golden Estates San Antonio, TX
11/2014 - 3/2018	L.VN	Chandler Estates San Antonio, TX
3/2018 - 6/2018	L.VN	Paramount Senior Care San Antonio, TX
7/2018 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Paramount Senior Care, San Antonio, Texas, and had been in that position for approximately two (2) months.
7. On or about May 1, 2018 through June 12, 2018, while employed with Paramount Senior Care, San Antonio, Texas, Respondent signed out and administered Hydrocodone and Tramadol in excess frequency of the physician's order. Respondent's conduct was likely to injure the patient in that the administration of Hydrocodone and Tramadol in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
8. On or about May 1, 2018 through June 12, 2018, while employed with Paramount Senior Care, San Antonio, Texas, Respondent failed to document the administration of Hydrocodone and Tramadol for patients on the Medication Administration Record (MAR). Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
9. On or about May 1, 2018 through June 12, 2018, while employed with Paramount Senior Care, San Antonio, Texas, Respondent signed out Hydrocodone and Tramadol for patients, but failed to follow the facility's policy and procedure regarding wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
10. On or about May 2018 through June 2018, while employed with Paramount Senior Care, San Antonio, Texas, Respondent failed to perform and document a pain assessments pre and post narcotic medication administration for Patients WF, NW, MT, and JM. Respondent's failure to perform and document a pain assessment was likely to injure the

patient in that subsequent care givers would rely on her documentation to provide ongoing medical care for the patient.

11. On or about May 2018 through June 2018, while employed with Paramount Senior Care, San Antonio, Texas, Respondent misappropriated eighty-four (84) tablets of Hydrocodone APAP 5/325mg, thirty (30) tablets of Hydrocodone Acetaminophen 10-325mg, and eight (8) tablets of Tramadol HCl, 50mg from Patients WF, NW, MT, and JM, belonging to the patients or facility thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
12. On or about June 13, 2018, while employed with Paramount Senior Care, San Antonio, Texas, Respondent pre charted the administration of medications in the narcotic log book. Respondent's conduct created an inaccurate medical record and was likely to injure the patients in that subsequent care givers would rely on her documentation to provide further care.
13. In response to Findings of Fact Numbers Seven (7) through Twelve (12), Respondent asserts that she did not sign out or administer Hydrocodone or Tramadol in excess frequency of the physician's orders. Respondent explains that she was doing the documentation by memory and that it didn't reflect the proper timing, but that at no time did she sign out or administer the medications in excess frequency of the physician's orders. Respondent does admit she failed to properly document the administration of Hydrocodone and Tramadol. Respondent further asserts that she did correctly administer those medications, but specifically denies that any of the listed medications were wasted, and therefore states she did not fail to follow the facility's procedures for wastage of the unused portions of the medications. As a result, the Respondent states that since she administered the medications, she had no need to waste the medications listed. Respondent asserts that there is no evidence that the medications listed were misappropriated. Additionally, Respondent notes that the Director of Nursing caused her to be tested for drugs, and that the test was "non-positive" (otherwise known as negative). Respondent asserts that there are no instances where administration of medications in the narcotic logs was pre-charted. Respondent does admit that there may be violations of the Nursing Practice Act and Rules of the Texas Board of Nursing.
14. Formal Charges were filed on September 3, 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)(C),(1)(D)&(2) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(G),(6)(H),(8),(10)(B),(10)(C),(10)(E)&(11)(B).
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 188383, heretofore issued to TERESA MARIE 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** and RESPONDENT'S license(s), and any privilege(s) to practice, as applicable, shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

Until such time that RESPONDENT'S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

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. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this 6 day of August, 2021.
Teresa Marie Martinez
TERESA MARIE MARTINEZ, 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.

Marc M Meyer
Marc Meyer, Attorney for Respondent

Signed this 6th day of August, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 6th day of August, 2021, by TERESA MARIE MARTINEZ, Vocational Nurse License Number 188383, and said Agreed Order is final.

Effective this 14th day of September, 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