



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.
Patricia A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
MARTHA SUBUH,
Vocational Nurse License Number 164588

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ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARTHA SUBUH, Vocational Nurse License Number 164588, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent received a Certificate in Vocational Nursing from South Texas College, Edinburg, Texas, on August 12, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on September 25, 1997.
4. Respondent's nursing employment history includes:

9/1997 – 9/2007 Unknown

Respondent's nursing employment history continued:

10/2007 – 5/2009	Licensed Vocational Nurse	Valley Grande Manor Weslaco, Texas
12/2008 – 5/2009	Licensed Vocational Nurse	Weslaco Nursing and Rehabilitation Center Weslaco, Texas
6/2009 – 10/2010	Unknown	
11/2010 – 8/2011	Licensed Vocational Nurse	One World Community Health Center Omaha, Nebraska
9/2011 – 8/2012	Unknown	
9/2012 – 12/2012	Licensed Vocational Nurse	McAllen Nursing Center McAllen, Texas
1/2013 – 7/2016	Licensed Vocational Nurse	Promesa Home Health McAllen, Texas
8/2016 – 10/2016	Unknown	
11/2016 – 5/2018	Licensed Vocational Nurse	Precious Life Home Health
6/2018 – 2/2021	Licensed Vocational Nurse	Aveanna Healthcare McAllen, Texas
3/2021 – Present	Unknown	

5. On or about September 1, 2011, Respondent was issued the sanction of Remedial Education, Deferred, through an Order of the Board. On or about September 23, 2016, Respondent successfully completed the terms of the Order. A copy of the September 1, 2011, Order is attached and incorporated herein by reference as part of this Order.
6. Formal Charges were filed on November 23, 2021. A copy of the Formal Charges, dated November 23, 2021, is attached and incorporated herein by reference as part of this Order.
7. On June 15, 2022, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated June 10, 2022, is attached and incorporated herein by reference as part 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)(D),(1)(M),(1)(P)&(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)(effective through 8/31/2021) Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 164588, heretofore issued to MARTHA SUBUH, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

TERMS OF ORDER

NOW, THEREFORE, IT IS ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 164588 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself/himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 15th day of June, 2022



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

MARTHA SUBUH
224 S Salinas Blvd, Donna, TX 78537
LVN LICENSE NUMBER 164588

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice nursing in the State of Texas. I consent to the entry of an Order with findings reflecting the alleged conduct and which outlines requirements for reinstatement of my license. I understand that I can be represented by an attorney in this matter. I waive attorney representation, notice, administrative hearing, and judicial review of the Order entered by the Board. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature: Martina D. Subuh

Date: 5-30-22 6-10-22

LVN LICENSE NUMBER 164588

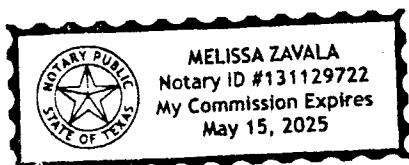
The State of Texas

Before me, the undersigned authority, on this date personally appeared MARTHA SUBUH who, being duly sworn by me, stated that he or she executed the above for the purpose therein contained and that he or she understood same.

Sworn to before me the 10th day of June, 2022.

SEAL

Melina Zavala
Notary Public in and for the State of TEXAS



**In the Matter of
Permanent Vocational Nurse
License Number 164588
Issued to MARTHA SUBUH,
Respondent**

§
§ **BEFORE THE TEXAS**
§
§ **BOARD OF NURSING**
§

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARTHA SUBUH, is a Vocational Nurse holding license number 164588 which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about January 31, 2021, through February 1, 2021, while employed as a Licensed Vocational Nurse, with Aveanna Healthcare, McAllen, Texas, Respondent failed to follow the physician orders for Patient JF, when the patient had a change in condition on the overnight shift. Specifically, the patient was noted to have abdominal distension, abdominal firmness, and abdominal pain. Respondent did not notify the physician of the change in condition or apply a Farrell bag, as ordered. Additionally, Respondent failed to completely document the patient's condition or a re-assessment of the patient's condition before leaving her shift. Respondent left the patient in the parent's care and clocked out at 0500. There was no closing note or end of shift assessment documented for the patient. Subsequently, the patient was taken to the hospital and expired on February 1, 2021. Respondent's conduct was likely to injure the patient from delayed treatment and an incomplete medical record.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13)(effective through August 31, 2021), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(D),(1)(M),(1)(P)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33.

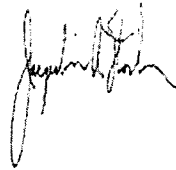
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated September 1, 2011.

Filed this 23rd day of November, 2021

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Deputy General Counsel
Board Certified - Administrative Law
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P: (512) 305-8657
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Attachment(s): Order(s) of the Board dated September 1, 2011.

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED ORDER
License Number 164588 § FOR
issued to MARTHA SUBUH § DEFERRED DISCIPLINE

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARTHA SUBUH, Vocational Nurse License Number 164588, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 8, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent holds a license to practice vocational nursing in the State of Texas which is currently "MSR License - Invalid."
4. Respondent received a Certificate in Vocational Nursing from South Texas Community College, Edinburg, Texas, on August 12, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on September 25, 1997.
5. Respondent's vocational nursing employment history includes:
09/97 - 07/99 LVN San Juan Home Health & Hospice San Juan, Texas
07/99 - 03/00 LVN Valley Grande Manor Weslaco, Texas

Respondent's vocational nursing employment history continued:

03/00 - 07/02	LVN	San Juan Nursing Home San Juan, Texas
08/02 - 12/03	LVN	Texas One World Community Center Omaha, Nebraska
01/04 - 02/04	Unknown	
03/04 - 08/05	LVN	San Juan Nursing Home San Juan, Texas
08/05 - 10/06	LVN	Valley Grande Manor Weslaco, Texas
12/06 - 06/07	LVN	CIMA Hospice McAllen, Texas
06/07 - 10/08	LVN	Weslaco Nursing & Rehab. Center Weslaco, Texas
12/08 - 05/09	LVN	San Juan Nursing & Rehab. Center San Juan, Texas
05/09 - 09/09	LVN	Weslaco Nursing & Rehab. Center Weslaco, Texas
11/09 - 03/10	LVN	San Juan Nursing & Rehab. Center San Juan, Texas
04/10 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a licensed vocational nurse with San Juan Nursing & Rehabilitation Center, San Juan, Texas, and had been in this position for four (4) months.
7. On or about March 3, 2010, while employed as the charge nurse with San Juan Nursing & Rehabilitation Center, San Juan, Texas, Respondent failed to monitor and supervise the nursing care and performance of tasks by Certified Nurse Aide (CNA) N.A. in that she failed to assess Resident Medical Record Number 8133 after instructing CNA N.A. to move the call light above the Resident's head and onto his pillow. Respondent's conduct deprived the Resident of the ability to call for aid and may have delayed the onset of medical care.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states:

"The [CNA] came to me at the nurse's station and told me that the resident was playing with the call light and they couldn't continue with the round. I responded, just put it here so he won't be playing with it and motioned with my hand next to or behind his head on the pillow area. She nodded and left, I was working on documentation and continued since the patient was not reported to be anxious or sick, just playing with the call light that was on the sheet in front of him. She did not come back to tell me he was still playing with it so I thought the problem had been resolved by moving the call light where I told her to put it.

The DON said that since I told her to move it from his view he could not reach the call light. I said that I didn't believe that was true because the patient has good range of motion and he could reach the call light on the pillow and just because you can't see it doesn't mean you can't reach it. She disagreed and said she had to let me go. I'm sorry this patient did not have his call light and if I could do it all over again I would have gone to check to make sure the CNA did what I instructed."

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 of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(B)&(U) and 217.12(1)(A),(D)&(F).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 164588, heretofore issued to MARTHA SUBUH, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION, DEFERRED, and RESPONDENT SHALL 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.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL not commit any violation of 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. for a period of five (5) years from the date of this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

IT IS FURTHER AGREED and ORDERED that should an additional allegation, complaint, accusation, or petition be reported or filed against Respondent prior to the completion of this Order, the deferral period shall be extended until the allegation, accusation, or petition has been finally acted upon by the Board.

IT IS FURTHER AGREED that should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, including the successful completion of the required period of deferral, the complaint or complaints which formed the basis for this action will be dismissed and this Order will be made confidential to the same extent as a complaint filed under Section 301.466, Texas Occupations Code. Further, all encumbrances will be removed from Respondent's license(s) to practice nursing in the State of Texas, and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

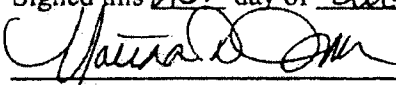
IT IS FURTHER AGREED that until such time that this Order is made confidential, this Order is subject to disclosure in accordance with applicable law.

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RESPONDENT'S CERTIFICATION

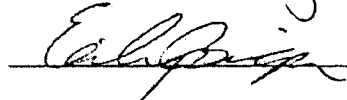
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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, the Board may stay the dismissal of the complaint filed against me, and that I will be subject to investigation and possible disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 25th day of August, 2011.


MARTHA SUBUH, Respondent

Sworn to and subscribed before me this 25 day of August, 2011.





Notary Public in and for the State of Iowa

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order for Deferred Discipline that was signed on the 25th day of August, 2011, by MARTHA SUBUH, Vocational Nurse License Number 164588, and said Order is final.

Effective this 1st day of September, 2011.



Katherine A. Thomas

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