TEXAS BOARD OF NURSING
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.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 505987	§	
issued to MARTHA J. BROWN	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of MARTHA J. BROWN, Registered Nurse License Number 505987, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 6, 2010, 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.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Baccalaureate Degree in Nursing from The University of Texas El Paso, El Paso, Texas, on December 1, 1982, and received a Certificate as a Family Nurse Practitioner from The University of Texas El Paso, El Paso, Texas, on December 1, 2009. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1983, and became Board recognized as an Family Nurse Practitioner with prescriptive authority in the State of Texas on March 24, 2010.

5. Respondent's nursing employment history includes:

03/1983 - 03/1984	Charge Nurse	Providence Memorial Hospital El Paso, Texas

Respondent's nursing employment history continued:

04/1984 - 06/1984	Unknown	
07/1984 - 06/1987	Staff Nurse	Pullman Memorial Hospital Pullman, Washington
07/1987 - 11/1991	Unknown	
12/1991 - 09/1992	Staff Nurse	Sierra Medical Center El Paso, Texas
10/1992 - 09/1993	Staff Relief Nurse	Kimberly Quality Care El Paso, Texas
06/1993 - 04/1998	Field Nurse Case Manager	AllianceCare of Texas El Paso, Texas
03/1994 - 03/1995	Staff Nurse Relief Charge	Columbia Medical Center West El Paso, Texas
05/1998 - 02/2000	Director of Home Health Care	Visiting Nurse Association of El Paso El Paso, Texas
02/2000 - 04/2001	Director	MedCast Home Nursing, Etc. El Paso, Texas
05/2001 - 06/2001	MDS Coordinator	Regent Care Center of El Paso MedCast Home Nursing, Etc.
06/2001 - 09/2003	Corporate Case Mix Manager	Integrated Health Services Albuquerque, New Mexico
09/2003 - 06/2004	Case Mix Coordinator	Peak Medical Corporation Albuquerque, New Mexico
07/2004 - 09/2004	Unknown	
10/2004 - 10/2004	Case Mix Coordinator	Trans Healthcare, Inc. Albuquerque, New Mexico
10/2004 - 11/2004	Director of Nursing	Desert Springs Alzheimer's Special Care Unit El Paso, Texas

Respondent's nursing employment history continued:

12/2005	Unknown	
01/2005 - 06/2005	Charge Nurse	Del Sol Medical Center El Paso, Texas
06/2005- Unknown	Director of Nursing	Pebble Creek Nursing Center El Paso, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as the Director of Nursing with Pebble Creek Nursing Center, El Paso, Texas, and had been in this position for one (1) year and three (3) months.

7. On or about September 9, 2006, through October 13, 2006, while employed as the Director of Nursing with Pebble Creek Nursing Center, El Paso, Texas, Respondent failed to ensure that a Graduate Nurse (GN) was appropriately supervised by a qualified RN, as required, and inappropriately scheduled/assigned the GN to work independently in a Charge Nurse capacity. Respondent's conduct resulted in an unsafe environment for residents.

9. In response to the in incident in Finding of Fact Number Seven (7), Respondent explains that she had read the NPA, but not in its entirety, and consequently, she did not know that a RN needed to be in the building at all times when a GN was working on her staff. Respondent states that she takes full responsibility for this action, has now read the entire NPA, and has not hired any GNs because she does not have adequate RN coverage to comply with the NPA. According to Respondent, during this time the facility was experiencing a staffing crisis and there were no full-time RNs except herself, and that had she been aware of NPA rules regarding supervision of GNs, she would not have hired the GN. Respondent states that all of the nurses have the same job description and there is no differentiation between the job duties of a RN or LVN, that the Charge Nurse role is the same as that of Staff Nurses. Respondent concludes that these circumstances do not absolve her of her responsibility.

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)(A),(B)&(S) (effective thru 11/16/07) and 217.12(1)(A),(1)(B)&(2).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 505987, heretofore issued to MARTHA J. BROWN, including revocation of Respondent's license to practice professional 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 REMEDIAL EDUCATION WITH A FINE, 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 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 is 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) 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 <u>not</u> 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(2) 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 this workshop may be found at the following web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars ($250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall 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 Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations 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, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of May, 2010.

Martha J. Brown

MARTHA J. BROWN, Respondent

Sworn to and subscribed before me this 14 day of May, 2010.

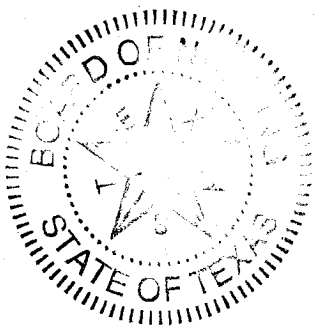
SEAL

MARTHA I. BECHER
Notary Public, State of Texas
My Commission Expires
APRIL 9, 2012

Martha Becher

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 14th day of May, 2010, by MARTHA J. BROWN, Registered Nurse License Number 505987, and said Order is final.



Effective this 19th day of May, 2010.

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