



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

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In the Matter of Registered Nurse § AGREED  
License Number 658516 and §  
Vocational Nurse License Number 169864 § ORDER  
issued to BERTHA MARTINEZ §

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of BERTHA MARTINEZ, Registered Nurse License Number 658516 and Vocational Nurse License Number 169864, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 28, 2009, 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 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. Respondent holds a license to practice vocational nursing in the State of Texas, which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Odessa College, Odessa, Texas, on August 12, 1998 and an Associate Degree in Nursing from Odessa College, Odessa, Texas, on December 17, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on October 21, 1998, and Respondent was licensed to practice professional nursing in the State of Texas on February 22, 1999.

5. Respondent's professional and vocational nursing employment history is unknown.
6. On or about November 2, 2001, Respondent entered a plea of Guilty and was convicted of FALSE REPORT TO POLICE OFFICER/LAW ENFORCE EMPLOYEE (a Class B Misdemeanor offense committed on June 13, 2001), in the County Court at Law No. 2 of Ector County, Texas, under Cause No. 012819. As a result of the conviction Respondent was ordered to pay a fine and court costs.
7. On or about March 21, 2001, Respondent was arrested by the Odessa police Department, Odessa, Texas, and subsequently charged in the County Court at Law No. 2 of Ector County, Texas, under Cause No. 01-1352 for DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense). On or about April 4, 2002, Cause No. 01-1352 was dismissed because Respondent completed the Ector County Pre-Trail Diversion Program.
8. On or about December 10, 2002, Respondent submitted a Texas Online Renewal Document to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Since issuance or last renewal, have you plead guilty (including no contest plea), been found guilty or convicted of any felony or misdemeanor other than a minor traffic violation?..."

On or about November 2, 2001, Respondent entered into a plea of Guilty and was convicted of FALSE REPORT TO POLICE OFFICER/LAW ENFORCE EMPLOYEE (a Class B Misdemeanor offense committed on June 13, 2001), in the County Court at Law No. 2 of Ector County, Texas, under Cause No. 012819.
9. In response to Finding's of Fact Numbers Six (6) and Eight (8), Respondent's counsel states: Respondent did answer the question incorrectly, However, the Respondent recognized her mistake and sent a letter to the Board within two (2) days admitting the mistake and seeking information on what steps she needed to take to correct the error. Respondent understands that punitive action in this type of circumstance should be reserved for those that either fail to acknowledge their mistake or who actively seek to hide the mistake to misrepresent or deceive the Board.

#### 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)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I).

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 658516 and Vocational Nurse License Number 169864, heretofore issued to BERTHA MARTINEZ, including revocation of Respondent's licenses to practice professional and vocational 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 multistate licensure privilege, 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 multistate licensure 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 pay a monetary fine in the amount of two hundred and fifty dollars (\$250). 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.

(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>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 18<sup>th</sup> day of June, 2009.

Bertha G. Martinez  
BERTHA MARTINEZ, Respondent

Sworn to and subscribed before me this 18 day of June, 2009.

SEAL

Jesus Ballard

Notary Public in and for the State of Texas

Approved as to form ~~and substance.~~

Bill Hopkins  
BILL HOPKINS, Attorney for Respondent

Signed this 23<sup>rd</sup> day of June, 2009.

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 18th day of June, 2009, by BERTHA MARTINEZ, Registered Nurse License Number 658516 and Vocational Nurse License Number 169864, and said Order is final.

Effective this 29 day of June, 2009.



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