



Respondent's vocational nursing employment history continued:

01/2000 - 03/2000	Charge Nurse	Sunbridge Nursing Center Mt. Pleasant, Texas
03/2000 - 05/2000	Charge Nurse	Windsor Place Nursing Center Daingerfield, Texas
05/2000 - 09/2000	Charge Nurse	Terry Haven Nursing Center Mt. Vernon, Texas
09/2000 - 09/2005	Pediatric Field Nurse	Jordan Health Care Services Mt. Pleasant, Texas
09/2005 - Unknown	Charge Nurse	Pleasant Springs Healthcare Mt. Pleasant, Texas
10/2006 - Unknown	Pediatric Field Nurse	Jordan Health Care Services Mt. Pleasant, Texas
01/2007 - Unknown	Pediatric Field Nurse	Exceptional Home Care Tyler, Texas
09/2007 - Unknown	Pediatric Private Duty Nurse	Epic Medstaff Tyler, Texas

6. At the time of the incident in Finding of Fact Number (7), Respondent was employed as a Pediatric Private Duty Nurse with Epic Medstaff, Tyler, Texas, and had been in this position for two (2) months.
7. On or about November 13, 2007, while employed as a Private Duty Nurse with Epic Medstaff, Tyler, Texas, Respondent left Patient TN, a three year old special needs child with chronic respiratory problems, unattended once in the bathtub while she obtained a suction machine from another room. Although able to cough up his secretions most of the time, the patient required frequent suctioning in order to maintain a patent airway and rapid intervention to prevent aspiration. The physician directed that the patient be supervised at all times and be assessed continuously for respiratory distress and safety, and that the suction machine be with the patient at all times, all of which Respondent failed to do. Although there was no actual harm to the patient, Respondent's conduct placed the patient at risk of harm from respiratory distress and/or physical injury.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that while she was giving the patient a bath, he coughed up a moderate amount of mucus from his tracheostomy, which Respondent thought required immediate suctioning, and although

she usually brought the suction machine when bathing the patient, she did not do so on this occasion. According to Respondent, she called to the patient's mother to bring the portable suction machine to the bathroom, but the mother did not respond, so Respondent drained the tub of water and, feeling that the patient would be in no danger being left alone for only ten (10) to fifteen (15) seconds with no water in the tub and not able to climb out, Respondent rushed to the kitchen to get the portable suction machine. Respondent asserts that, had the mother not been listening to the television with the volume very loud, she would have heard Respondent's call for assistance.

#### 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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(M) and 217.12(1)(A),(1)(B)&(4).
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 174195, heretofore issued to JENNIFER DEANNE MARTIN, including revocation of Respondent's license to practice 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, 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 vocational 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 deliver the wallet-sized license issued to JENNIFER DEANNE MARTIN to the office of the Texas Board of Nursing within ten (10) days of the date of ratification 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) contact 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 <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 this workshop may be found at the following web address:*  
<http://www.learningext.com/products/generalce/critical/ctabout.asp>.

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

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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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

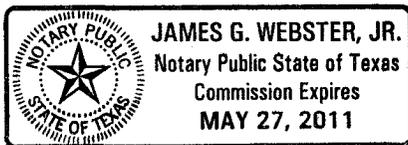
Signed this 20<sup>th</sup> day of January, 2009.

Jennifer Deanne Martin  
JENNIFER DEANNE MARTIN, Respondent

Sworn to and subscribed before me this 20<sup>th</sup> day of JANUARY, 2009.

SEAL

J. G. Webster, Jr.  
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 20th day of January, 2009, by JENNIFER DEANNE MARTIN, Vocational Nurse License Number 174195, and said Order is final.

Effective this 28th day of January, 2009.



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