



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 P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 150773 §
issued to SUSAN DIANE MARTINDALE §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 150773, issued to SUSAN DIANE MARTINDALE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal conference, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal conference, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Texarkana College, Texarkana, Texas, on February 22, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on December 22, 1994.

4. Respondent's complete vocational nursing employment history includes:

12/94-01/01	Unknown	
02/01-01/02	Not employed in nursing	
02/02-02/03	LVN/ Charge Nurse	Arkansas Nursing & Rehab Texarkana, Arkansas

Respondent's vocational nursing employment history (continued):

02/03-02/05	LVN	Christus St. Michael Health System Texarkana, Texas
03/05-08/05	Unknown	
09/05-02/06	LPN	Serenity Hospice Texarkana, Arkansas
02/06-01/08	LVN	Wadley Regional Medical Center Texarkana, Texas
02/08-Present	Unknown	

5. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Wadley Regional Medical Center, Texarkana, Texas, and had been in this position for approximately one (1) year and eleven (11) months.
6. Prior to the entry of this order, Respondent was notified of the following allegations on April 3, 2008:
 - a. On or about January 21, 2008, while employed as a Licensed Vocational Nurse with Wadley Regional Medical Center, Texarkana, Texas, Respondent lacked fitness to practice vocational nursing, in that she was observed to have slurred speech and irrational thought patterns; she was staggering and had an unsteady gait; and she appeared "as if in another world." Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
 - b. On or about January 21, 2008, while employed as a Licensed Vocational Nurse with Wadley Regional Medical Center, Texarkana, Texas, Respondent engaged in the intemperate use of Benzodiazepines, Opiates and Marijuana (THC) Metabolite, in that Respondent produced a specimen for a drug screen which resulted positive for Benzodiazepines, Opiates and Marijuana (THC) Metabolite. The use of Benzodiazepines, Opiates and Marijuana (THC) by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

7. On April 23, 2008, Respondent returned License Number 150773 and submitted a statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas due to medical reasons. A copy of the statement is attached and incorporated, by reference, as part of the Order.
8. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E),(5),(10)(A)&(D) &(11)(B).
3. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
4. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
5. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER


NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 150773, heretofore issued to SUSAN DIANE MARTINDALE, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of 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 of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself 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: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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 compact states.

Effective this 28th day of July, 2008.

TEXAS BOARD OF NURSING

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

April 23, 2008

Dear Texas State Board of Nursing,

I, Susan Martindale Surrender my Liscense for Nursing at this time due to Health Problems.

Sincerley,
Susan D. Martindle
Liscense #150773
Exp. 2/2010

Attention: Ms. Thibdeaux (jesse)

Thankyou

Susan D. Martindle

LICENSED VOCATIONAL NURSE

TEXAS BOARD OF NURSING
363 Guadalupe #3-460, Austin TX 78701

A CERTIFICATE OF RE-REGISTRATION TO PRACTICE VOCATIONAL NURSING
ISSUED BY THE TEXAS BOARD OF NURSING TO

LVN LIC. NO:
150773

EXPIRES
LAST DAY OF:

FEB 2010

SUSAN DIANE MARTINDALE

Matthew A. Norman

EXECUTIVE DIRECTOR

Susan D. Martindle

LVN SIGNATURE REQUIRED