

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  
\*\*\*\*\*

In the Matter of Professional License Number 689769           §       AGREED  
and Vocational License Number 167640                       §       ORDER  
issued to JUAN MANUEL MARTINEZ

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter JUAN MANUEL MARTINEZ, Registered Nurse License Number 6897 and Vocational Nurse License Number 167640, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 16, 2008, 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 conference, 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's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.
4. Respondent received a Certificate of Nursing from Valley Grande College, Weslaco, Texas, on December 17, 1997. Respondent received an Associate Degree from South Texas Community College, McAllen, Texas, on July 3, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on June 17, 1998. Respondent was licensed to practice professional nursing in the State of Texas on August 13, 2002.
5. Respondent's nursing employment history is unknown.

6. On or about July 3, 2002, Respondent submitted a Registration by Examination Application to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he attested "true" to the following statement:

*"Have never been convicted of any crime other than a minor traffic violation."*

7. On February 1, 2006, Respondent was requested to comply with a random criminal background audit check. The results revealed the following non disclosed criminal history to wit:

On or about February 11, 1991, Respondent was convicted of the offense of Driving While Intoxicated, in the Hidalgo County Court at Law #4, Weslaco, Texas, Cause #91,244-D. Respondent was sentenced to one (1) year probation, and assessed a fine in the amount of three hundred fifty dollars (\$350.00) and was ordered to attend alcohol education classes.

On or about June 25, 1996, Respondent was convicted of the offense of Driving While Intoxicated, in the Hidalgo County Court at Law #2, Weslaco, Texas, Cause #CR-137975-B. Respondent was sentenced to one (1) year probation, eighty (80) hours of community service, assessed a fine in the amount of five hundred dollars (\$500.00), 1 year suspension of Driver's License, and was ordered to attend the Texas Repeat DWI Offenders Program.

#### 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)(2) & (10) Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(22) &(23).
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 689769 and Vocational Nurse License Number 167640, heretofore issued to JUAN MANUEL MARTINEZ, including revocation of Respondent's licenses 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 REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional and Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 deliver the wallet-sized license issued to JUAN MANUEL MARTINEZ to the office of the Board of Nursing within ten (10) days of the date of ratification of this Order for appropriate notation.

(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 Chemical Dependency, 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/about/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty hundred 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, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of April, 2008.

Juan Manuel Martinez  
JUAN MANUEL MARTINEZ, Respondent

Sworn to and subscribed before me this 16 day of April, 2008.

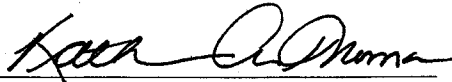
[Signature]

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 16 day of April, 2008, by JUAN MANUEL MARTINEZ, Registered Nurse License Number 689769 and Vocational Nurse License Number 167640, and said Order is final.

Effective this 24 day of April, 2008.



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