



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 Registered Nurse License Number 698806 § AGREED
issued to EDWIN KARLI MARTINEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Boar considered the matter of EDWIN KARLI MARTINEZ, Registered Nurse License Number 69880 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 conference, notice and hearing, and agreed to the entry of this Order offered on July 15, 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.
- 4. Respondent received an Associate Degree in Nursing from El Paso Community College, El Paso, Texas, on May 9, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 22, 2003.
- 5. Respondent's professional nursing employment history includes:

7/03 to Unknown RN
Del Sol Medical Center
El Paso, Texas

7/04 to Unknown RN
Thomason Hospital
El Paso, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a RN with Thomason Hospital, El Paso, Texas, and had been in this position for one (1) year and three (3) months.
7. On or about October 21, 2005, through October 22, 2005, while employed as a RN with Thomason Hospital, El Paso, Texas, Respondent failed to accurately and completely document regarding the status of Patient Medical Record Number 641042 in the Intensive Care Unit (ICU). The patient had undergone a cardiac catheterization and was determined to have three (3) vessel disease and was to be transferred to another facility for cardiac bypass the following Monday. Respondent also failed to document contact with other health care providers. Physician's orders included:
 - Assess the catheterization site and vital signs every fifteen (15) minutes times four (4), then every hour times four (4) or until discharged. The physician was to be notified STAT for problems with bleeding or pulses; and
 - If the patient developed chest pain, obtain a STAT EKG and notify the physician.Respondent cared for the patient during the night shift, when he preformed an initial assessment of the catheterization site and dressing. There were no further assessments of the site, dressing or distal pulses documented. There was no documentation of the neurovascular flow sheet. During the night when the patient developed chest pain, Respondent administered Morphine Sulfate (MS) and the patient no longer had pain until 0600 when Respondent again administered MS and increased the Nitroglycerine drip. At 6:50 a.m. when the patient developed nausea and vomiting, Respondent received orders from the physician to administer Phenergan, an anti-nausea medication. There was no documentation of Respondent notifying a physician of the patient's chest pain during the night. Further, the physician documented at 5:00 a.m. that the patient developed chest pain during the night and the nurse treated the patient with MS and adjusted the Nitroglycerine drip. This was the first physician entry since 9:00 p.m the previous night. Later, on October 23, 2005, while not in the care of Respondent, the patient became worse, developed a large hematoma to the cardiac catheterization site, went into Cardiogenic or Hypovolemic Shock, and did not survive. Respondent's conduct resulted in an inaccurate medical record, and subsequent caregivers would have relied on his documentation for both a precise account of patient assessments and for ongoing communication with other healthcare providers while providing further care to the patient.
8. In response to the incidents in Finding of Fact Number Seven (7), Respondent states that he did perform assessments of the patient's medical status and that there was a medical resident present in the ICU the entire time Respondent provide care to the patient. The physician was aware of the patient's status and condition.

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)(D)&(1)(P) and 217.12(1)(A),(1)(C)&(4).

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 698806, heretofore issued to EDWIN KARLI MARTINEZ, 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, 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 professional 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 EDWIN KARLI MARTINEZ to the office of the Texas 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 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>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form,

provided by the Board, to the Board's office 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, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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.

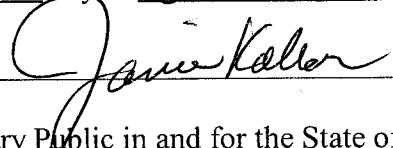
Signed this 7th day of October, 2008.



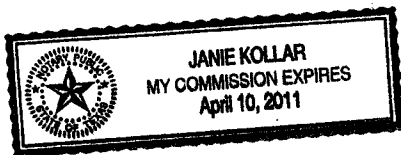
EDWIN KARLI MARTINEZ, Respondent

Sworn to and subscribed before me this 7th day of OCTOBER, 2008.

SEAL




Notary Public in and for the State of Tx.



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 14 day of October, 2008, by EDWIN KARLI MARTINEZ, Registered Nurse License Number 698806, and said Order is final.

Effective this 14th day of October, 2008.


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

