



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 638382 § AGREED
issued to MARTA REYES § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARTA REYES, Registered Nurse License Number 638382, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on August 14, 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 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 a Baccalaureate Degree in Nursing from University of Texas, Austin, Texas, on December 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on February 25, 1997.
5. Respondent's professional nursing employment history is unknown.
6. On or about March 11, 1999, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on September 17, 1998), in the County Court at Law No. 7, Travis County, Texas, under Cause No. 511920. As a result of the conviction, Respondent was sentenced to

confinement in the Travis County Jail for a period of one hundred twenty (120) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of fifteen (15) months. Additionally, Respondent was ordered to pay a fine and court costs.

7. On or about June 1999, Respondent submitted a Renewal Document for Registered Nurses and Registered Nurses with Advanced Practice Authorization 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? (Note: DWI or DUI, including first offenses, are not considered minor traffic violations.)."

On or about March 11, 1999, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on September 17, 1998), in the County Court at Law No. 7, Travis County, Texas, under Cause No. 511920.

8. On or about August 5, 2007, Respondent submitted a Texas Online Renewal Document Registered Nurse 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:

"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilt. Please note that DUIs, DWIs, and PIs must be reported and are not considered minor traffic violations. One time minor in possession [MIP] does not need to be disclosed; therefore, you may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form.

On or about March 11, 1999, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on September 17, 1998), in the County Court at Law No. 7, Travis County, Texas, under Cause No. 511920.

9. In response to Finding of Fact Number Six (6), Respondent states: She successfully completed her sentencing of probation and attended alcohol anonymous classes as part of that probation. No one was hurt by this incident and she sincerely learned from her mistake.

She has not had any other incidents with the law, and has never been arrested except for this isolated incident. Over ten years have lapsed since this incident, and she is certain that there is no chance of this type of incident occurring again. She has steadily been employed since obtaining her nursing license in 1997, and her work was never affected by this charge. She has yet to have an employer complain about the quality of care she provides and there has not been an impact on her relationship with her patients or her nursing ability.

10. On or about November 29, 2007, Respondent present to Matthew L. Ferrara, Ph.D., Clinical and Forensic Psychology, Austin, Texas, for psychological testing, an interview, and a polygraph examination. As a result, Dr. Ferrara was able to offer the following Conclusion and Recommendation: It appears that Ms. Reyes does not currently suffer from a substance abuse disorder. She probably had a substance abuse disorder at one point in time, however, that disorder appears to be in remission. Since Ms. Reyes has already completed a substance abuse treatment program and she does not currently exhibit an active substance abuse problem, she does not appear to warrant substance abuse treatment at this time.

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 Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., Section 301.452(b)(2)&(10), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.13(17), 22 TEX. ADMIN. CODE §217.12(23), (effective September 1, 1999), and 22 TEX. ADMIN. CODE §217.12(6)(I), (effective September 28, 2004).
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 638382, heretofore issued to MARTA REYES, 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 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 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 MARTA REYES 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 pay a monetary fine in the amount of five hundred dollars (\$500). 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.

(3) 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>.*

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 have reviewed this Order. I neither admit nor deny the violation 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 31st day of October, 2008.

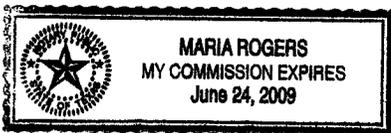
Marta Reyes
MARTA REYES, Respondent

Sworn to and subscribed before me this 31st day of October, 2008.

SEAL

Maria Rogers

Notary Public in and for the State of Texas



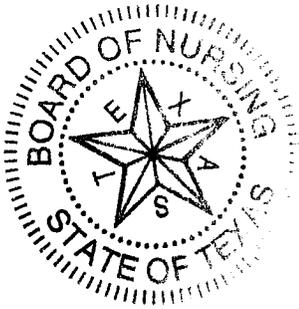
Approved as to form and substance.

John J. Rivas
JOHN J. RIVAS, Attorney for Respondent

Signed this 31 day of October, 2008.

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 31st day of October, 2008, by MARTA REYES, Registered Nurse License Number 638382, and said Order is final.

Effective this 18th day of November, 2008.




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