

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 155269	§	
issued to MARTHA G. HERRERA	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARTHA G. HERRERA, Vocational Nurse License Number 155269, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1)(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 November 7, 2007, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Nursing from Texas Southmost College, Brownsville, Texas, on August 11, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on October 23, 1995.
5. Respondent's vocational nursing employment history is unknown.
6. On or about October 23, 2007, Respondent submitted a renewal application to the Texas Board of Nursing in which she answered "Yes" to the following 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."

- A. On or about August 23, 2002, Respondent was convicted of the offense of Driving While Intoxicated, a Class B misdemeanor, in the County Court at Law No. 2, Cameron County, Texas, Cause #02-CCR-1298-B. Respondent was sentenced to six (6) months jail with the imposition of sentence suspended, and placed on twelve (12) months probation, ordered to pay a fine and court costs. Respondent was released from probation on August 23, 2003.
  - B. On or about August 23, 2002, Respondent was charged with the offense of Assault, a misdemeanor, in the County Court at Law No. 2, Cameron County, Texas, Cause #02-CCR-1301-B. The charges were dismissed on a motion of the Assistant County Attorney for the reason: Defendant plead guilty in cause number 02-CCR-1298-B.
  - C. On or about June 17, 2005, Respondent pled guilty to the offense of Public Intoxication, a Class C misdemeanor, in the Brownsville Municipal Court, Brownsville, Texas, Cause #450008293. Proceedings were deferred without adjudication and Respondent was ordered to pay a fine.
  - D. On or about February 28, 2006, Respondent pled guilty to the offense of Public Intoxication, a Class C misdemeanor, in the Brownsville Municipal Court, Brownsville, Texas, Cause #60008914. Respondent was ordered to pay a fine.
7. On or about October 20, 2003, Respondent submitted a renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the following question: "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"
  8. On or about September 25, 2005, Respondent submitted a renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the following question: "Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations."

### 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 Section 301.452(b)(1)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I).
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 155269, heretofore issued to MARTHA G. HERRERA, 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 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 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 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 MARTHA G. HERRERA 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 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 FIVE HUNDRED DOLLARS (\$500.00). 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 vocational nursing in the State of Texas.

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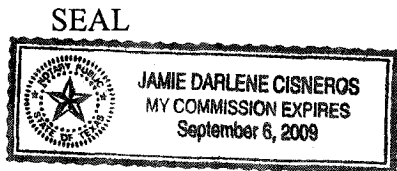
RESPONDENT'S CERTIFICATION


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

Signed this 12<sup>th</sup> day of December 2007.

  
MARTHA G. HERRERA, Respondent


Sworn to and subscribed before me this 12<sup>th</sup> day of December, 2007



  
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 12th day of December, 2007, by MARTHA G. HERRERA, Vocational Nurse License Number 155269, and said Order is final.

Effective this 2nd day of January, 2008.

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