



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	§	AGREED
License Number 638613 and	§	
Vocational Nurse	§	
License Number 132275	§	
issued to RICKEY MARTINEZ	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RICKEY MARTINEZ, Registered Nurse License Number 638613 and Vocational Nurse License Number 132275, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528c, sec. 10(a)(2)&(9), and Article 4525(b)(2)&(9), Revised Civil Statutes of Texas, as amended, and Section 302.402(a)(10) and Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 29, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 in Vocational Nursing from Temple Junior College, Temple, Texas, on December 19, 1990, and received an Associate Degree in Nursing from Central Texas College, Killeen, Texas, on December 13, 1996. Respondent was licensed to practice vocational nursing in the State of Texas, on May 30, 1991, and was licensed to practice professional nursing in the State of Texas on March 4, 1997.
5. Respondent's complete nursing employment history is unknown.
6. On or about October 16, 2006, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which he answered "Yes" to the following question, "Have you been convicted, adjudged guilty by a court...?" Respondent disclosed the following offense:

- A. On or about July 4, 2005, Respondent was arrested for Assault Causes Bodily Injury, a Class A Misdemeanor.

On or about May 19, 2006, Respondent entered a plea of "Nolo Contendere" and was "Convicted" of a Lesser Charge of DISORDERLY CONDUCT-FIGHTING IN PUBLIC, a Class C Misdemeanor, committed on July 4, 2005, in the County Court at Law #2/4, Bell County, Texas, under Cause No. 2c05-05907. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

- B. On or about February 20, 1998, Respondent was sentenced to twelve (12) months deferred adjudication probation and ordered to pay a fine for the offense of Assault Causes Bodily Injury, a Class A Misdemeanor offense committed on February 11, 1997.

Respondent failed to previously disclose the following offenses on his vocational or professional nursing renewals:

- C. On or about January 1, 1999, Respondent was arrested for Driving While Intoxicated-2nd, by the Temple Police Department, Temple, Texas.

On or about May 26, 1999, Respondent entered a plea of "Guilty" and was "Convicted" of Driving While Intoxicated, a Class A Misdemeanor offense committed on January 1, 1999, in the County Court at Law #2, Belton County, Texas, under Cause No. MR2C9900662. As a result of the conviction Respondent was sentenced to serve ten (10) days in the Belton County Jail and ordered to pay a fine and court costs.

- D. On or about March 27, 1999, Respondent was arrested for Driving While License Invalid, by the Temple Police Department, Temple, Texas.

On or about May 26, 1999, Respondent entered a plea of "Guilty" and was "Convicted" of Driving While License Suspended, a Class B Misdemeanor committed on March 27, 1999, in the County Court at Law #2, Belton County, Texas, under Cause No. MR2C9904078. As a result of the conviction, Respondent was sentenced to serve ten (10) days in the Belton County Jail and ordered to pay a fine and court costs.

- E. On or about September 3, 1999, Respondent entered a plea of "No Contest" and was "Convicted" of Driving While License Suspended, a Misdemeanor committed on May 8, 1999, in the County Court at Law #2, Williamson County, Texas, under Cause No. 9929492. As a result of the conviction, Respondent was sentenced to serve ten (10) days in the Williamson County Jail and assessed court costs.

7. On or about December 4, 1990, Respondent submitted an Application By Examination to the Board of Vocational Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that you answered "No" to the following question: "Have you ever been convicted of a crime other than minor traffic violations?" Respondent failed to disclose the following conviction:

On or about August, 22, 1984, Respondent was arrested for Driving While Intoxicated, by the Temple Police Department, Temple, Texas.

On or about October 19, 1984, Respondent was "Convicted" of Driving While Intoxicated, an offense committed on August 22, 1984, in Bell County, Texas. As a result of the conviction, Respondent was sentenced to twenty-four months probation and ordered to pay a fine and court costs.

8. On or about December 16, 1996, Respondent submitted an Application By Examination to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the following question: "Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation?" Respondent failed to disclose the following convictions:

- A. On or about August, 22, 1984, Respondent was arrested for Driving While Intoxicated, by the Temple Police Department, Temple, Texas.

On or about October 19, 1984, Respondent was "Convicted" of Driving While Intoxicated an offense committed on August 22, 1984, in Bell County, Texas. As a result of the conviction, Respondent was sentenced to twenty-four months probation and ordered to pay a fine and court costs.

- B. On or about October 3, 1992, Respondent was arrested for Public Intoxication, by the Milam County Sheriff's Office, Cameron, Texas.

On or about April 4, 1996, Respondent entered a plea of "Guilty" and was "Convicted" of Public Intoxication, an offense committed on October 3, 1992, in the County Court at Law, Milam County, Texas, under Cause No. 22,478. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

- C. On or about July 4, 1995, Respondent was arrested for Driving While Intoxicated by the Temple Police Department, Temple, Texas.

On or about August 16, 1995, Respondent entered a plea of "Guilty" and was "Convicted" of Driving While Intoxicated, a Class B Misdemeanor offense committed on August 16, 1995, in the County Court at Law #2, Belton County, Texas, under Cause No. 2C954578. As a result of the conviction, Respondent was sentenced to three (3) days in the Belton County Jail and ordered to pay a fine and court costs.

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 Article 4528c, sec. 10(a)(2)&(9), TEX. REV. CIV. STAT. ART. and Article 4525(b)(2)&(9), TEX. REV. CIV. STAT. ANN., and Section 302.402(a)(10) and 301.452(b)(10) and 22 TEX. ADMIN. CODE §239.11(8) and 22 TEX. ADMIN. CODE §§ 217.13(17) and 217.12(22)&(23) {effective to 09/28/2004} and 217.12 (6)(H)&(I){effective 09/28/2004}.
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 638613 and Vocational Nurse License Number 132275, heretofore issued to RICKEY M. MARTINEZ, including revocation of Respondent's license 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 a REPRIMAND WITH STIPULATIONS, 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 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 compact states.

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 Texas Board of Nursing 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 RICKEY M. MARTINEZ, to the office of the Texas Board of Nursing within ten (10) days from 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 one thousand dollars (\$1,000.00). RESPONDENT SHALL pay this fine within ninety (90) 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, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE OR LICENSED VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A

REGISTERED NURSE (RN) OR VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency.

RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a nurse.

(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period,

random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

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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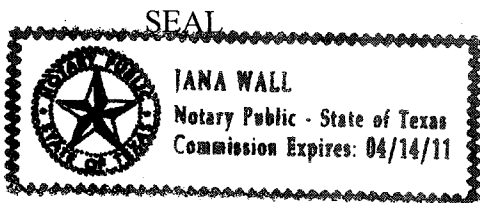
RESPONDENT'S CERTIFICATION

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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 19th day of December, 2007.

Rickey Martinez
RICKEY M. MARTINEZ, Respondent

Sworn to and subscribed before me this 19th day of December, 2007.



Jana Wall
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of December, 2007, by RICKEY M. MARTINEZ, Registered Nurse License Number 638613 and Vocational Nurse License Number 132275, and said Order is final.

Effective this 12th day of February, 2008.



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