



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 Vocational Nurse § AGREED
License Number 188918 §
issued to ROBERTO DELUNA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROBERTO DELUNA, Vocational Nurse License Number 188918, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated, Section 302.402(a)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 21, 2009, 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 proceedings, 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 Vocational Nursing from Texas Careers, San Antonio, Texas, on March 25, 2003.
5. Respondent's complete vocational nursing employment history is unknown.
6. On or about January 15, 2003, Respondent submitted a Application for Licensure 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 he answered "No" to the question: "Have you been convicted of a misdemeanor other than a minor traffic violation?"

Respondent failed to disclose that on or about September 27, 1994, Respondent entered a plea of "Guilty" and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor committed on May 6, 1994) in the County Court at Law, Maverick County, Texas, under Cause No. 8136. As a result of the conviction, Respondent was ordered to pay a fine and court costs. On or about August 21, 1995, Respondent's probation granted under Cause No. 8136, was revoked and Respondent was placed on probation for an additional period of one (1) year.

7. In response to Finding of Fact Number Six (6), Respondent states "I never had any intention of falsifying any information to the Board or the school I attended. I can only recall or assume that I answered the question as I did due to the fact that the misdemeanors I had were greater than five years old. In answering the question, I thought it was referring to a current status or to a felony."
8. Respondent failed to disclose that on or about October 13, 1999, Respondent entered a plea of "Guilty" and was convicted of DRIVING WHILE INTOXICATED (a Class A misdemeanor offense committed on November 10, 1997), in the County Court at Law, Maverick County, Texas, under Cause No. 10,306. As a result of the conviction, Respondent was ordered to pay a fine and court costs.
9. In response to Finding of Fact Number Eight (8), Respondent states "I obtained a lawyer, and the charge was reduced to public intoxication (No probation). I would like to reiterate that since obtaining my nursing license with the State of Texas Board of Nursing, I have been free of any violations with the law. I strongly feel I have learned my lesson with drinking and driving. And, I most defiantly do not condone drinking and driving. As, a nurse caring for others I see the impact it would have on someone. I would like to point out that now as a thirty-seven year old man I am much more responsible than I was back in 2001."
10. Respondent failed to disclose that on or about May 14, 2001, Respondent entered a plea of "Guilty" and was convicted of RECKLESS DRIVING (a Class A misdemeanor offense committed on October 18, 2000), in the County Court at Law, Maverick County, Texas, under Cause No. 12740. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

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 302.402(a)(2)&(10), Texas Occupations Code and 22 Tex. Admin Code §239.11(8).
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 188918, heretofore issued to ROBERTO DELUNA, 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, 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 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, 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) 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>.*

(2) RESPONDENT SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollar amount. 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, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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

Signed this 20 day of April, 2010.

Roberto Deluna

ROBERTO DELUNA, Respondent

Sworn to and subscribed before me this 20th day of April, 2010.

Magdalena Martinez

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 20th day of April, 2010, by ROBERTO DELUNA, Vocational Nurse License Number 188918, and said Order is final.

Effective this 20th day of May, 2010.


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

