

Respondent's professional nursing employment history continued:

1998 - 07/08	RN	Intensive Nursing Agency Brownsville, Texas
08/08 - 07/01	RN	Life Care Hospital Edinburgh, Texas
08/01 - 12/01	RN	Socrates Garrigos, MD McAllen, Texas
12/01 - Unknown	RN	ASAP Nursing Agency McAllen, Texas

6. On or about August 12, 2003, while seeking employment with ASAP Nursing Agency, San Antonio, Texas, Respondent engaged in the intemperate and/or unlawful use of Marijuana in that she submitted a specimen for a pre-employment drug screen which resulted positive for Marijuana. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Marijuana by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
7. On or about August 20, 2003, while seeking employment with ASAP Nursing Agency, San Antonio, Texas, Respondent engaged in the intemperate and/or unlawful use of Butalbital and Cocaine in that she submitted a specimen for a pre-employment drug screen which resulted positive for Butalbital and Cocaine. Possession of Butalbital and Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Butalbital and Cocaine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about May 12, 2004, while participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate use of Cocaine in that she submitted a specimen for a drug screen which resulted in a positive result for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

9. Respondent admits to the conduct outlined in Findings of Fact Numbers Six (6), Seven (7), and Eight (8). Respondent states that she used drugs to cope with having been named in a wrongful death suit brought by a patient's daughter in May 2003. Respondent immediately reported to TPAPN after testing positive on a drug screen. She attended outpatient drug rehabilitation therapy and was successfully discharged. Respondent continued AA meetings and complied with TPAPN random drug screens. Respondent also submitted documentation which indicates she suffered a fractured left elbow in 1998 and has re-injured it multiple times. Due to the condition of her left elbow, Respondent is unable to lift more than fifteen (15) pounds which kept her from being compliant with TPAPN's work regulations.
10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
11. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
12. 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 violation of Section 301.452(b)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1) (effective to September 28, 2004).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 252245, heretofore issued to LUCILA LEAL, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 252245, heretofore issued to LUCILA LEAL, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to LUCILA LEAL, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

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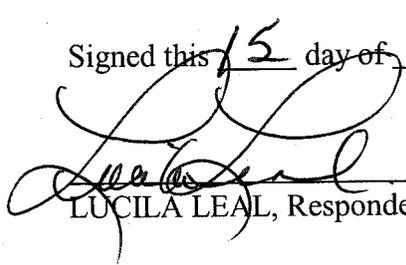
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

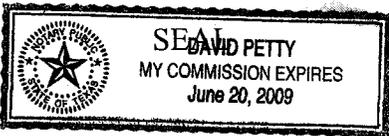
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

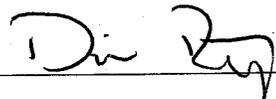
Signed this 15 day of June, 2009.



LUCILA LEAL, Respondent

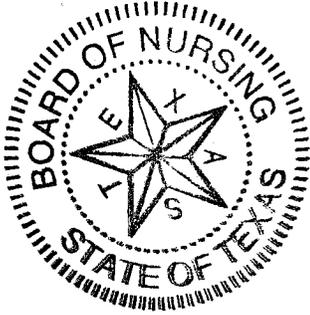
Sworn to and subscribed before me this 15 day of June, 2009.





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 accept the voluntary surrender of Registered Nurse License Number 252245, previously issued to LUCILA LEAL.



Effective this 16th day of June, 2009.

Katherine A. Thomas

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