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Patricia A. Johnson
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Vocational Nurse License Number 48845 §
issued to MARY YVONNE DELEON §

ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARY YVONNE DELEON, Vocational Nurse License Number 48845, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent received a Certificate in Vocational Nursing from Del Mar College, Corpus Christi, Texas, on May 14, 1969. Respondent was licensed to practice vocational nursing in the State of Texas on July 22, 1971.
4. Respondent's nursing employment history includes:

07/71 - 09/10	Unknown	
09/10 - 12/12	LVN	Harbor View Nursing Corpus Christi, Texas

Respondent's nursing employment history continued:

01/13 - 10/15	LVN	Nurses on Wheels Corpus Christi, Texas
10/15 - Unknown	LVN	San Rafael Nursing & Rehab Corpus Christi, Texas
05/16 - 06/16	LVN	Lexington Place Nursing & Rehab Aransas Pass, Texas
06/16 - Present	Unknown	

5. On or about June 13, 2016, while employed as a Licensed Vocational Nurse with Lexington Place Nursing and Rehabilitation Center, Aransas Pass, Texas, Respondent falsely documented on Patient J.G's Hydrocodone Narcotic Count Sheet that her Hydrocodone had been discontinued, when in fact Patient J.G's Hydrocodone had not been discontinued. Respondent's conduct created an inaccurate medical record and failure to administer medication as ordered by the physician could have resulted in non-efficacious treatment.
6. On or about June 13, 2016, while employed as a Licensed Vocational Nurse with Lexington Place Nursing and Rehabilitation Center, Aransas Pass, Texas, Respondent failed to take the precautions to secure medication belonging to the facility and patients thereof, in that she left the narcotics box unlocked. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
7. On or about June 13, 2016, while employed as a Licensed Vocational Nurse with Lexington Place Nursing and Rehabilitation Center, Aransas Pass, Texas, Respondent misappropriated medications, including, but not limited to Hydrocodone belonging to the facility and patients thereof. Facility video surveillance cameras captured Respondent taking the medications. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications, and is a violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about June 13, 2016, while employed as a Licensed Vocational Nurse with Lexington Place Nursing and Rehabilitation, Aransas, Texas, Respondent engaged in the intemperate use of Opiates in that Respondent produced a specimen for a for cause drug screen that resulted positive for Opiates. The use of Opiates by a licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a 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 a patient in potential danger.

9. On or about January 8, 2018, Respondent entered a plea of Guilty to DIVERT CONTROLLED SUBSTANCE FOR PERSONAL USE, a State Jail felony offense committed on June 13, 2016, in the 36TH Judicial District Court of San Patricio County, Texas, under Cause No. S-17-3282-CR. As a result of the plea, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and Respondent was placed on probation for a period of four (4) years, and ordered to pay a fine and court costs.
10. Formal Charges were filed on March 21, 2017.
11. Formal Charges were mailed to Respondent on March 23, 2017.
12. On February 5, 2018, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated February 5, 2018, is attached and incorporated herein by reference as part of this Order.
13. 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.
14. 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(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(G),(6)(H),(8),(10)(B),(10)(D),(10)(E),(11)(B) &(13)
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 48845, heretofore issued to MARY YVONNE DELEON, including revocation of Respondent's license(s) 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.

TERMS OF ORDER

NOW, THEREFORE, IT IS ORDERED that the **VOLUNTARY SURRENDER** of Vocational Nurse License Number 48845, heretofore issued to MARY YVONNE DELEON, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse, or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. At least one (1) year has elapsed from the date of this Order; and,
 - B. RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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CONTINUED ON NEXT PAGE.

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

Effective this 5th day of February, 2018.

TEXAS BOARD OF NURSING



By:

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

2-5-18

Att John R. Duffell
Assistant Sec Counsel

re Mary Gwynne de Leon nurse
Lic 48845, Voluntary Surrender nurse
lic to Texas Board of Nursing.

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