



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.
Patricia A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD
OF NURSING

In the Matter of Vocational Nurse License Number 110778 § AGREED
issued to LEROY ZAPATA § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 110778, issued to LEROY ZAPATA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference 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. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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, 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 South Plains College, Levelland, Texas, on January 22, 1985. Respondent was licensed to practice vocational nursing in the State of Texas on June 2, 1985.
5. Respondent's complete vocational nursing employment history is unknown.
6. On or about March 2006, through April 2006, while employed with Lynwood Nursing and Rehabilitation, Levelland, Texas, Respondent misappropriated Hydrocodone, Alprazolam, and Restoril from Residents H.R., H.B., Q.M., and L.R. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

7. On or about March 2006, while employed with Lynwood Nursing and Rehabilitation, Levelland, Texas, Respondent replaced Resident H.R.'s Hydrocodone tablets with Acetaminophen tablets. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. On or about March 2006, while employed with Lynwood Nursing and Rehabilitation, Levelland, Texas, Respondent signed out Hydrocodone on the Controlled Drug Record for patient L.R., but failed to completely and accurately document the administration of the medication in the patients' Medication Administration Records (MARs), Nurses Notes, or both as follows:

Date/Time	Patient	Medication	Physician's Order	MAR	Wastage
3/9/06 0700	LR	Hydrocodone 5/500 Tab 1PO Q4 hrs PRN	Lortab 5/500 Tab 1PO Q4 hrs PRN	No	No
3/13/06 0700	LR	Hydrocodone 5/500 Tab 1PO Q4 hrs PRN	Lortab 5/500 Tab 1PO Q4 hrs PRN	No	No
3/14/06 0700	LR	Hydrocodone 5/500 Tab 1PO Q4 hrs PRN	Lortab 5/500 Tab 1PO Q4 hrs PRN	No	No
3/17/06 0700	LR	Hydrocodone 5/500 Tab 1PO Q4 hrs PRN	Lortab 5/500 Tab 1PO Q4 hrs PRN	No	No
3/18/06 0700	LR	Hydrocodone 5/500 Tab 1PO Q4 hrs PRN	Lortab 5/500 Tab 1PO Q4 hrs PRN	No	No
3/18/06 1400	LR	Hydrocodone 5/500 Tab 1PO Q4 hrs PRN	Lortab 5/500 Tab 1PO Q4 hrs PRN	No	No
3/19/06 1700	LR	Hydrocodone 5/500 Tab 1PO Q4 hrs PRN	Lortab 5/500 Tab 1PO Q4 hrs PRN	No	No

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patient which could result in an overdose.

9. On or about March 2006, while employed with Lynwood Nursing and Rehabilitation, Levelland, Texas Respondent signed out Hydrocodone on the Controlled Drug Record for patient L.R., but failed to follow the policy and procedure for the wastage of the medication. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On or about March 2006, while employed with Lynwood Nursing and Rehabilitation, Levelland, Texas, Respondent documented the administration of Hydrocodone to Resident H.R. in excess frequency of a physician's order as follows:

Date/Time	Patient	Medication	Physician's Order	MAR
3/19/06 1100	HR	(2) Hydrocodone 7.5/500 Tablet	1-2 Tablets Lortab PO q4hr PRN for Pain	Yes
3/19/06 1400	HR	(2) Hydrocodone 7.5/500 Tablet	1-2 Tablets Lortab PO q4hr PRN for Pain	Yes
3/19/06 1600	HR	(1) Hydrocodone 7.5/500 Tablet	1-2 Tablets Lortab PO q4hr PRN for Pain	Yes

Respondent's conduct was likely to injure the patient in that the administration of Hydrocodone in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

11. On or about June 10, 2006, Respondent was arrested by the Lubbock Police Department, Lubbock, Texas, for "Injury to a Child with Intent to Cause Bodily Injury," (a Third Degree Felony), and "Assault that Causes Bodily Injury to a Family Member," (a Class A Misdemeanor). On March 6, 2007, Respondent plead guilty and was convicted of "Injury to a Child-Bodily Injury," (A 3rd Degree Felony), Cause Number 2006-413774, and sentenced to Five (5) years confinement at Texas Department of Criminal Justice. Respondent's confinement sentence was suspended, and Respondent was placed on Five (5) years community supervision
12. On or about September 26, 2006, Respondent was arrested for "Fraudulent Possession of a Controlled Substance/Prescription Schedule III Drug." On October 26, 2006, Respondent was indicted by a Hockley County, Texas, Grand Jury in the 286th District Court for "Intent to Defraud Another and Knowingly Making a False Entry in a Governmental Record," (a felony offense that occurred on November 9, 2005) and for "Knowingly Obtaining and Possessing a Controlled Substance, namely, Lortab, a schedule III drug, by misrepresentation, fraud, forgery." On January 17, 2007, Respondent plead "guilty" to "Tampering With A Governmental Record," Cause Number 06-10-6310 and received Five (5) years Deferred Adjudication and was placed on Community Supervision for those Five (5) years.
13. On or about June 21, 2006, while employed with Whisperwood Nursing and Rehabilitation Center, Lubbock, Texas, Respondent abandoned patients in that he locked himself in the restroom for approximately 2.5 hours while on duty. Respondent's conduct was likely to injure patients in that abandoning them could have resulted in Respondent's assigned patients not receiving the care that they needed.
14. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice vocational nursing in the State of Texas.
15. 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.

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 301.4535(a)(7) and Section 301.452(b)(3),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B) and §217.12(4),(6)(A),(8),(10)(B)(C)(E), (11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational License Number 110778, heretofore issued to LEROY MORIN ZAPATA, including revocation of Respondent's vocational 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 License Number 110778, heretofore issued to LEROY MORIN ZAPATA, 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 LEROY MORIN ZAPATA, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying himself 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.

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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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.

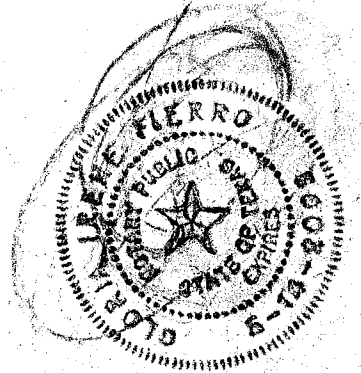
Signed this 28 day of April, 2008.

Leroy Morin Zapata
LEROY MORIN ZAPATA, Respondent

Sworn to and subscribed before me this 28 day of April, 2008.

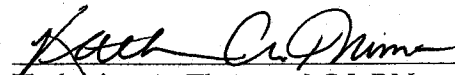
SEAL

Gloria Irene Fierro
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 Vocational Nurse License Number 110778, previously issued to LEROY ZAPATA.

Effective this 2nd day of May, 2008.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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