



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 165669	§	
issued to MICHAEL LONELL DEARON	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of MICHAEL LONELL DEARON, Vocational Nurse License Number 165669, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 15, 2012, by Katherine A. Thomas, MN, RN, FAAN, 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(s).
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 the Army Practical Nurse Course, Fort Sam Houston, Texas, on December 11, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on November 5, 1997.
5. Respondent's vocational nursing employment history is unknown.

6. On or about June 1, 2009 through June 11, 2009, while employed as a Licensed Vocational Nurse with the Medical Center of Arlington, Arlington, Texas, Respondent withdrew Dilaudid, Promethazine, Phenergan, Diphenhydramine, and Morphine from the Medication Dispensing System for patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records (MAR) and/or nurse's notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients which could result in an overdose.
7. On or about June 1, 2009 through June 11, 2009, while employed as a Licensed Vocational Nurse with the Medical Center of Arlington, Arlington, Texas, withdrew Dilaudid, Promethazine, Phenergan, Diphenhydramine, and Morphine from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for wastage of any of the unused portions of the medications. 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).
8. On or about June 1, 2009 through June 11, 2009, while employed as a Licensed Vocational Nurse with the Medical Center of Arlington, Arlington, Texas, Respondent misappropriated Dilaudid, Promethazine, Phenergan, Diphenhydramine, and Morphine belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications, and is a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
9. In response to Findings of Fact Numbers Six (6) through Eight (8), Respondent states: "I deny misappropriating Dilaudid, Promethazine, Phenergan, Diphenhydramine, and Morphine from their facility. There's nothing on record that I was caught removing narcotics from the facility. They drug screened me and the results were negative for any of these medications."
10. On or about September 3, 2011 through September 4, 2011, while employed as a licensed vocational nurse with Ennis Regional Medical Center, Ennis, Texas, Respondent lacked fitness to practice vocational nursing, in that while on duty he exhibited slurred speech, was observed to be stumbling and have an unsteady gait. Respondent was also falling asleep and appeared to be confused. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
11. In response to Finding of Fact Number Ten (10), Respondent states: "I deny this allegation."

12. On or about September 3, 2011 through September 4, 2011, while employed as a licensed vocational nurse with Ennis Regional Medical Center, Ennis, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System for Patient Medical Record Number 167015, without a valid physician's order. Respondent's conduct was likely to injure the patients, in that the administration of Dilaudid, without a valid physician's order, could result in the patients suffering from adverse reactions, including respiratory depression and was in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
13. In response to Finding of Fact Number Twelve (12), Respondent states: "If I withdrew Dilaudid from the Medications Dispensing System it would be because I received a verbal order and had not wrote it in the orders. I would have went back and wrote the order, my twelve hour shift was not finished."
14. On or about September 3, 2011 through September 4, 2011, while employed as a licensed vocational nurse with Ennis Regional Medical Center, Ennis, Texas, Respondent withdrew Diphenhydramine from the Medication Dispensing System for Patient Medical Record Number 105802, who was not assigned to his care. Respondent's conduct was likely to defraud the facility and patient of the cost of the medication.
15. In response to Finding of Fact Number Fifteen (15), Respondent states: "I was at the nurses' station and answered a call light when all the nurses were not present at that time. I went ahead and gave the patient the medication and let the nurse know when she returned to the station."
16. On or about September 3, 2011 through September 4, 2011, while employed as a licensed vocational nurse with Ennis Regional Medical Center, Ennis, Texas, Respondent withdrew Dilaudid, Ativan, Demerol, and Diphenhydramine from the Medication Dispensing System for patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or Nurse's Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients which could result in an overdose.
17. On or about September 3, 2011 through September 4, 2011, while employed as a licensed vocational nurse with Ennis Regional Medical Center, Ennis, Texas, Respondent withdrew Dilaudid, Ativan, Demerol, Phenergan, and Diphenhydramine from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedures for the wastage of any of the unused portions of the medications. 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).
18. In response to Finding of Fact Number Seventeen (17), Respondent states: "If I didn't waste, there was no one at that time to waste with. I gave the medication, with the patient in mind,

to help relieve discomfort.”

19. On or about September 3, 2011 through September 4, 2011, while employed as a licensed vocational nurse with Ennis Regional Medical Center, Ennis, Texas, Respondent misappropriated Dilaudid, Ativan, Demerol, Phenergan, and Diphenhydramine belonging to the facility and patients thereof, or failed to take the precautions to prevent such misappropriation. Respondent’s conduct was likely to defraud the facility and patients of the cost of medications, and is a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
20. In response to Finding of Fact Number Nineteen (19), Respondent states: “There’s no proof that I removed Dilaudid, Ativan, Demerol, Phenergan, and Diphenhydramine from the hospital. There’s no record of being stopped leaving the hospital with medications in my possession, nor being stopped at anytime in vehicle.”
21. On or about September 3, 2011 through September 4, 2011, while employed as a licensed vocational nurse with Ennis Regional Medical Center, Ennis, Texas, Respondent falsely documented that Patient Medical Record Number 165098 received IV antibiotics, when the IV antibiotics were not infusing, but sitting at the patient's bedside. Respondent’s conduct resulted in an inaccurate medical record and exposed the patient unnecessarily to a risk of harm in that missing a dose of an antibiotic decreases therapeutic blood levels and predisposes the patient to continued infection.
22. In response to Finding of Fact Number Twenty-one (21), Respondent states: “If I remove an antibiotic IV from the medication room, I’m not going to go into a patient’s room and set it at the patient’s bedside. I went to give the patient this antibiotic as scheduled. I deny this allegation.”
23. On or about September 3, 2011 through September 4, 2011, while employed as a licensed vocational nurse with Ennis Regional Medical Center, Ennis, Texas, Respondent falsely documented that Primaxin was given to Patient Medical Record Number 165098. Respondent’s conduct resulted in an inaccurate medical record and exposed the patient unnecessarily to a risk of harm from a delay of treatment of her disease process.
24. In response to Finding of Fact Number Twenty-Three (23), Respondent states: “I deny falsely documenting that Primaxin was given to the patient.”
25. On or about September 3, 2011 through September 4, 2011, while employed as a licensed vocational nurse with Ennis Regional Medical Center, Ennis, Texas, Respondent falsely documented that Seroquel was given to Patient Medical Record Number 165098, when the medication had not been removed from the Medication Dispensing System. Subsequently, the patient received the ordered dose of Seroquel five hours late. Respondent’s conduct resulted in an inaccurate medical record which was likely to deceive subsequent care givers who relied on the documentation to further medicate the patients and exposed the patient

unnecessarily to a risk of harm from a delay of treatment of her disease process.

26. In response to Finding of Fact Number Twenty-Five (19), Respondent states: "It is very possible I could have missed giving Seroquel, thinking I gave with the patient's scheduled medications."
27. On or about March 8, 2012, you were charged with OBTAIN CS BY FRAUD (a Second Degree Felony Offense) Ellis County District Court, Cause Number 36562CR.
28. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN.
29. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
30. On September 23, 2011, Formal Charges were filed on Findings of Fact Numbers Six (6) through Eight (8).
31. Formal Charges were mailed to Respondent on September 26, 2011.
32. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D) &(1)(P). and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(1)(E),(4),(5),(6)(G),(8), (10)(A),(10)(C),(10)(E)&(11)(B).
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 165669, heretofore issued to MICHAEL LONELL DEARON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program

approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

Mississippi Recovering Nurse Program as an Alternative to TPAPN

IT IS FURTHER AGREED, and ORDERED that this order constitutes written permission for Respondent to participate in the Mississippi Recovering Nurse Program for chemical

dependency in lieu of the TPAPN option provided Respondent applies and is accepted within ten (10) days following the date of entry of this final Order, and remains enrolled in Mississippi Recovering Nurse Program until successful completion.

RESPONDENT SHALL NOT practice in any other party state during the term of the alternative program without prior written authorization from the Texas Board of Nursing.

IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of the offense as outlined in Finding of Fact Number Twenty-Seven (27), said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551,

Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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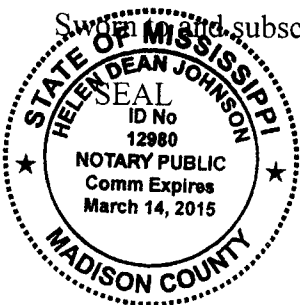
RESPONDENT'S CERTIFICATION

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9 day of April, 2012.

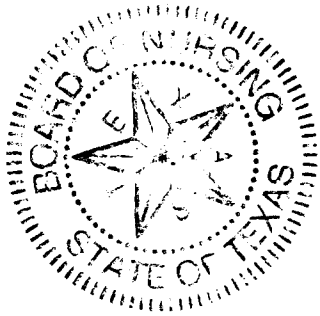
Michael Dearon
MICHAEL LONELL DEARON, Respondent

Sworn and subscribed before me this 9 day of April, 2012.



Helen Dean Johnson
Notary Public in and for the State of MS

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 9th day of April, 2012, by MICHAEL LONELL DERAON, Vocational Nurse License Number 165669, and said Order is final.



Entered and effective this 13th day of April, 2012.

A handwritten signature in black ink, reading 'Katherine A. Thomas'.

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