

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 759573  
ISSUED TO  
MARYLEE DELATE

§  
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§  
§  
§  
§

BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE TEXAS  
BOARD OF NURSING



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

**ORDER OF THE BOARD**

TO: MARYLEE DELATE  
9900 SW 59th Court  
Cooper City, FL 33328

During open meeting held in Austin, Texas, on December 13, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 759573, previously issued to MARYLEE DELATE, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 13th day of December, 2011.

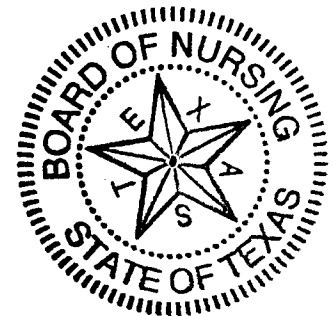
TEXAS BOARD OF NURSING

BY:



\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed October 28, 2011.



Re: Permanent Certificate Number 759573  
Issued to MARYLEE DELATE  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 11<sup>th</sup> day of December, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Marylee Delate  
9900 SW 59th Court  
Cooper City, FL 33328



BY:

\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 759573, Issued to** §  
**MARYLEE DELATE, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARYLEE DELATE, is a Registered Nurse holding license number 759573, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### **CHARGE I.**

On or about September 28, 2011, Respondent was issued an Order of Immediate Temporary Suspension of her Registered Nurse license by the Kentucky Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Order of Immediate Temporary Suspension dated September 28, 2011, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

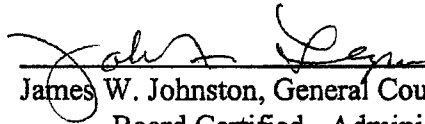
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Kentucky Board of Nursing Order of Immediate Temporary Suspension dated September 28, 2011.

Filed this 28th day of October, 2011.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel

Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

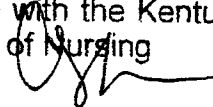
TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-8101 or (512)305-7401

Attachments: Kentucky Board of Nursing Order of Immediate Temporary Suspension dated September 28, 2011.

D/2011.09.23

**COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF NURSING  
Case Number: 2012-260 (Conviction)**

Date 10.12.11  
I certify this to be a true copy of the record(s) on file with the Kentucky Board of Nursing  


In The Matter Of: **MARYLEE SHUTT DELATE**  
RN License Number 1116821  
9900 NW 59th Court  
Cooper City, Florida 33328

**ORDER OF IMMEDIATE TEMPORARY SUSPENSION**

Pursuant to KRS 314.089(1) and KRS 13B.125, and in order to protect the public, the Kentucky Board of Nursing (sometimes "the Board") hereby issues the following Order for the immediate temporary suspension of the Registered Nurse license of Marylee Shutt Delate ("Respondent") to practice as a Registered Nurse ("sometimes RN") in the Commonwealth of Kentucky. Pursuant to the above-cited statutes, the basis for this Order is as follows:

**FINDINGS OF FACT**

1. Respondent was first licensed as an RN by the Board on June 25, 2008, license number 1116821. Accordingly, the Board has jurisdiction in this matter pursuant to KRS Chapter 314.
2. On or about September 27, 2011, the Board received information the Florida Department of Health, Tallahassee, Florida that Respondent's Florida RN license, license number 1728992 was placed on an immediate temporary suspension as a result of a felony conviction.
3. On or about March 23, 2011, in the United States District Court for the Southern District of Florida, in case number 1:10-20787-CR-4, Respondent entered a plea of guilty to one count of Conspiracy to Possess with Intent to Distribute Marijuana, a felony, in violation of 21 U.S.C. Section 846.

### CONCLUSIONS OF LAW

4. Based on the facts as found above, Respondent's conduct constitutes a violation of KRS 314.091(1):

\* \* \*

(b) Has been convicted of any felony, or a misdemeanor involving drugs, alcohol, fraud, deceit, falsification of records, a breach of trust, physical harm or endangerment to others, dishonesty, under the laws of any state of the United States;

\* \* \*

(d) Has negligently or willfully acted in a manner inconsistent with the practice of nursing;

(e) Is unfit or incompetent to practice nursing by reason of negligence or other causes, including but not limited to, being unable to practice nursing with reasonable skill or safety; and

\* \* \*

(j) Has violated any of the provisions of this chapter, including KRS 314.021(2).

5. These violations of law are so egregious as to constitute an immediate danger to the public health, safety or welfare, and they justify the issuance of this Order of Immediate Temporary Suspension, pursuant to KRS 13B.125 and KRS 314.089.

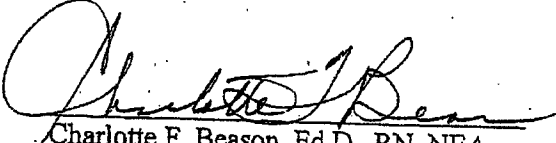
The Respondent is hereby **ORDERED** to **CEASE AND DESIST** from the practice of nursing in the Commonwealth of Kentucky effective **IMMEDIATELY**. Any such practice after the date of this Order shall constitute grounds for further disciplinary action.

**The Respondent's Registered Nurse license to practice nursing in the Commonwealth of Kentucky is immediately suspended on a temporary basis.**

In the Matter of: Marylee Shutt Delate  
RN License No. 1116821

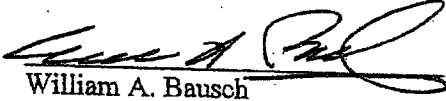
Pursuant to KRS 13B.125 (3), the Respondent may request a Hearing in regard to this Order. Any such request must be in writing and sent to the attention of the Hearing Officer, Kentucky Board of Nursing, Suite 300, 312 Whittington Parkway, Louisville, Kentucky 40222. A request for a Hearing does not stay the effect of this Order.

This 28<sup>th</sup> day of September 2011.

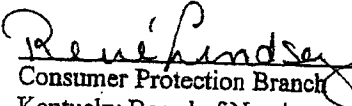
  
Charlotte F. Beason, Ed.D., RN, NEA  
Executive Director  
Kentucky Board of Nursing

Certificate of Service

This is to certify that a true and correct copy of the foregoing *Order of Immediate Temporary Suspension* was served upon the Respondent, Marylee Shutt Delate, 9900 NW 59th Court, Cooper City, Florida 33328, her address of record and to a known alternate address of 3161 S.W. 20th Court, Fort Lauderdale, Florida 33312 pursuant to KRS 314.107, via certified U.S. Mail, return receipt requested, postage pre-paid, all on this the 28<sup>th</sup> day of September 2011.

  
William A. Bausch  
Staff Attorney  
Kentucky Board of Nursing  
312 Whittington Parkway, Suite 300  
Louisville, Kentucky 40222  
(502) 429-3339

I hereby certify that the Order of Immediate Temporary Suspension was served the 28<sup>th</sup> day of September, 2011, and became effective on that date pursuant to KRS 13B.125(2).

  
Renee Lindsey  
Consumer Protection Branch  
Kentucky Board of Nursing