

IN THE MATTER OF
PERMANENT REGISTERED NURSE
LICENSE NUMBER 724318
ISSUED TO
RICHARD DELEON

§
§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING

ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: Richard Deleon
1403 S. Cameron St.
Alice, Texas 78332

During open meeting held in Austin, Texas, on Tuesday, September 10, 2013, the Texas Board of Nursing 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 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(s) to practice 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 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 Registered Nurse License Number 724318, previously issued to RICHARD DELEON, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 10th day of September, 2013.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charges filed July 16, 2013.

Re: Permanent Registered Nurse License Number 724318
Issued to RICHARD DELEON
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20____, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Richard Deleon
1403 S. Cameron St.
Alice, Texas 78332

BY:



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

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 724318	§	
Issued to RICHARD DELEON,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, RICHARD DELEON, is a Registered Nurse holding License Number 724318 which is in current 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 19, 2012, through October 5, 2012, while employed with St. David's Medical Center, Austin, Texas, Respondent removed hydromorphone and zolpidem from the Medication Dispensing System (Pyxis) for patients L00071527495 and L00071533364, but failed to accurately and/or completely document the administration in the patients' medication administration records (MARs), as follows:

Date	Patient	Physician's Order	Rx Auditor On Demand Time and Quantity	MAR	Wastage
9-19-12	L00071527495	Dilaudid 1mg IV q4h prn for pain	Hydromorphone HCL 1mg 1933 1 Carpuject	Not Documented	None Documented
10-5-12	L00071533364	Zolpidem 5mg tablet po bedtime prn for insomnia	Zolpidem Tartrate 5mg 0133 1 Tablet	Not Documented	None Documented

Respondent's conduct was likely to injure the patients in that subsequent care givers would not have accurate documentation on which to base their decisions to administer further care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(C)&(4).

CHARGE II.

On or about September 19, 2012, through October 5, 2012, while employed with St. David's Medical Center, Austin, Texas, Respondent removed hydromorphone, morphine, and zolpidem from the

Medication Dispensing System (Pyxis) for patients L00071527495, L00071531868, and L00071533364, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Patient	Physician's Order	Rx Auditor On Demand Time and Quantity	MAR	Wastage
9-19-12	L00071527495	Dilaudid 1mg IV q4h prn for pain	Hydromorphone HCL 1mg 1933 1 Carpuject	Not Documented	None Documented
10-4-12	L00071531868	Morphine Sulfate 4mg IV now and q1-2h prn severe pain	Morphine 5mg 1935 1 Injection	Morphine Sulfate 4mg at 1936	None Documented
10-5-12	L00071533364	Zolpidem 5mg tablet po bedtime prn for insomnia	Zolpidem Tartrate 5mg 0133 1 Tablet	Not Documented	None Documented

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).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(C)&(11)(B).

CHARGE III.

On or about October 11, 2012, through November 14, 2012, while employed with St. David's Medical Center, Austin, Texas, Respondent withdrew, and subsequently administered morphine and hydromorphone in excess frequency/dosage of the physician's orders for patients L00071531179 and L00071549085 under his care, as follows:

Date	Patient	Physician's Order	Rx Auditor On Demand Time and Quantity	MAR
10-11-12	L00071531179	Morphine 1-2mg IV q2h prn pain	Morphine Sulfate 5mg 0444 1 Injection	Morphine Sulfate 1mg at 0446 *last dose administered at 0327
11-14-12	L00071549085	Hydromorphone 2mg IV q4h prn for discomfort	Hydromorphone HCL 1mg/1ml 2308 2 Carpujects	Hydromorphone HCL 2mg/ml injection at 2341 *last dose administered at 2018

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

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(C), and 22 TEX. ADMIN. CODE §217.12(4).

CHARGE IV.

On or about November 15, 2012, while employed with St. David's Medical Center, Austin, Texas, Respondent misappropriated two (2) empty morphine vials, one (1) blister pack containing two (2) Zofran tablets, one (1) bag of Vancomycin, a box of Mepilex dressings, multiple syringes, alcohol pads, IV catheters, flushes and needles, belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation in that said items were found in his bag during a security search of his person and personal bag. Subsequently, after being questioned several times, Respondent admitted to taking the aforementioned items from said employer. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(4)&(6)(G).

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.

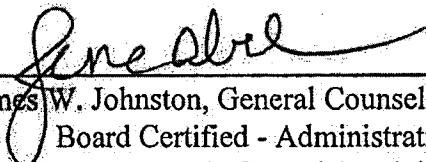
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and for Fraud, Theft and Deception, which can be found at the Board's website, www.bon.texas.gov.

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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.

Filed this 16th day of July, 20 13.

TEXAS BOARD OF NURSING


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D/2012.06.19