

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 191947
ISSUED TO
VERONICA DE LEON

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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 P. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Veronica De Leon
2313 E. 12th Street
Weslaco, Texas 78596

During open meeting held in Austin, Texas, on December 14, 2010, 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 vocational 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

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 § 213.2(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 191947, previously issued to VERONICA DE LEON, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 191947, previously issued to VERONICA DE LEON, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

Entered this 14th day of December, 2010.

TEXAS BOARD OF NURSING

BY:


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

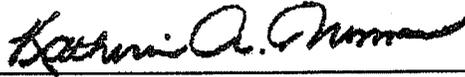
Re: Permanent Certificate Number 191947
Issued to Veronica De Leon
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2010, 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):

Veronica De Leon
2313 E. 12th Street
Weslaco, Texas 78596-7310

BY:



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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 191947, Issued to §
VERONICA DE LEON, Respondent § **BOARD OF NURSING**

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, VERONICA DE LEON, is a Vocational Nurse holding license number 191947, 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 October 3, 2007, through October 17, 2007, while employed as a Home Health Nurse with A Healing Touch Home Health, Weslaco, Texas, Respondent failed to perform scheduled nursing visits on Patient Number AHT0257-002 and Patient Number AHT0256-001, as required, and falsely documented in the patients' medical records that she had performed the visits. Respondent's conduct was likely to injure the patient by not providing nursing care, was deceptive, and resulted in an inaccurate medical record upon which subsequent care givers would base their care decisions.

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)(A),(1)(B),(1)(D)&(2)(A) and 217.12(1)(A),(1)(B),(1)(C),(4)&(6)(A).

CHARGE II.

On or about April 2, 2009, to July 7, 2009, while employed with D'ORO Home Health Services, Weslaco, Texas, Respondent failed to perform skilled nursing visits (SNV), as scheduled, for multiple patients as ordered by the physician and then falsely documented the visits including the patient's signature on the skilled visit notes, as follows:

Date (s)	Patient	Physician's Order
6/22/09	RG - 0500416M2	SNV Frequency - 1 visit per week X7wks effective week of 6/14/09
4/30/09, 5/6/09, 5/14/09, 5/20/09, 5/27/09, 6/3/09, 6/11/09, 6/17/09, 7/1/09, 7/7/09	LG- 07153M2	SNV Frequency - 1 visit per week X9wks
4/28/09, 4/30/09, 5/4/09, 5/6/09, 5/11/09, 5/14/09, 5/20/09, 5/27/09, 6/3/09, 6/17/09, 7/1/09	EG- 07216M2	SNV Frequency - 1 visit per week X3wks, then 1 visit per week X 6wks.

4/15/09, 4/22/09, 4/29/09, 5/6/09, 5/13/09, 5/20/09, 5/27/09	DR- 07263M	SNV Frequency - 2 visits per week X2wks then 1 visit per week X 7wks
6/8/09, 6/11/09, 6/19/09, 7/7/09	LS- 07747M	SNV Frequency - 1 visit per week X9wks
4/20/09, 4/27/09, 5/4/09, 5/11/09, 5/23/09, 5/28/09, 6/5/09	TC - 07719M	SNV Frequency - 2 visits per week X2wks, then 1 visit per week X7wks
5/15/09, 5/18/09, 5/20/09, 5/25/09, 5/27/09, 6/1/09, 6/8/09, 6/15/09, 6/22/09, 7/1/09	PA - 07304M2	SNV Frequency - 2 visits per week X3wks, then 1 visit per week X6wks

Respondent's conduct exposed the patients unnecessarily to a risk of harm in that they were not receiving the nursing care as ordered. In addition, Respondent's conduct resulted in an inaccurate medical record and was likely to deceive subsequent care givers who relied on the accuracy of the information while providing care to the patient.

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)(A),(1)(B),(1)(D)&(2)(A) and 217.12(1)(A),(1)(B), (1)(C),(4)&(6)(A).

CHARGE III.

On or about August 2009 through October 2009, while employed with D'ORO Home Health Services, Weslaco, Texas, Respondent accepted payment from her employer for skilled nurse visits for Patients as listed in Charge II, which she had not performed. Respondent's conduct was likely to defraud the facility of payment for visits that were not performed.

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(6)(G)&(6)(H).

CHARGE IV.

On or about August 11, 2009 through October 5, 2009, while employed with Angels of Mercy Home Health L.L.C., Penitas, Texas, Respondent failed to perform multiple Skilled Nurse Visits (SNV), as ordered and scheduled, and then submitted falsified visits documentation which included forged patient signatures, as follows:

Patient	Dates of Visits	Physician's Order
MM	09/23/09 09/30/09 10/05/09	SNV Frequency - 1 visit per week X9wks

MG	08/11/09 08/25/09 08/31/09 09/09/09 09/14/09 09/21/09 09/28/09	SNV Frequency - 1 visit per week X9wks
MSM	09/14/09 09/21/09 09/28/09	SNV Frequency - 1 visit per week X9wks, plus 2 PRN visits for exacerbation of Hypo/Hypertension, falls and skin breakdown.

Respondent's conduct exposed the patients unnecessarily to a risk of harm in that they were not receiving the nursing care as ordered. In addition, Respondent's conduct resulted in an inaccurate medical record and was likely to deceive subsequent care givers who relied on the accuracy of the information while providing care to the patient.

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)(A),(1)(B),(1)(D)&(2)(A) and 217.12(1)(A),(1)(B),(1)(C),(4)&(6)(A).

CHARGE V.

On or about August 2009 through October 2009, while employed with Angels of Mercy Home Health L.L.C., Penitas, Texas, Respondent accepted payment from her employer for skilled nurse visits for Patients MM, MG, MSM, which she had not performed. Respondent's conduct was likely to defraud the facility of payment for visits that were not performed.

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(6)(G)&(6)(H).

CHARGE VI.

On or about October 5, 2010, Respondent plead "Guilty" and was convicted of the Offense of MAKING FALSE STATEMENTS RELATING TO HEALTH CARE MATTERS, in the United States District Court, Southern District of Texas, McAllen Division, McAllen, Texas, cause number 7-10CR01224.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to 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 § 301.461, TEX. OCC. CODE ANN. 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.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Lying and Falsification, and for Fraud, Theft and Deception, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 19th day of November, 2010.

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 Brenton, Assistant General Counsel
State Bar No. 24066924

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