BEFORE THE TEXAS BOARD OF NURSING

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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.
Executive Director of the Board

In the Matter of Vocational Nurse	§
License Number 184932	§
issued to DEAUN DALTON	§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 184932, issued to DEAUN DALTON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Certificate in Vocational Nursing from Cisco Junior College, Abilene, Texas, on May 10, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on July 16, 2002 .

4. Respondent's complete vocational nursing employment history is unknown.

5. On September 24, 2009, Respondent was provided notice by the Texas Board of Nursing for the following allegations:

   - On or about April 18, 2008, Respondent was convicted of DRIVING WHILE INTOXICATED-1ST OFFENSE (a Class B Misdemeanor offense committed on August 19, 2007), in the County Court of Mason County, Texas, under Cause No. CC-71193. As a result of the conviction, Respondent was ordered into confinement

in the Mason County Jail for a period of three (3) days, placed on probation for a period of one (1) year, and ordered to pay a fine and court costs.

- On or about July 1, 2008, Respondent plead "No Contest or Nolo Condendere" to DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on September 22, 2007), in the County Court of Gillespie County, Texas, under Cause Number CC13129. As a result of the plea, Respondent was ordered into confinement for seventy-two (72) hours in Gillespie County Jail and ordered to pay a fine and court costs.

- On or about March 20, 2009, while employed as a Licensed Vocational Nurse with Coronado Nursing Center, Abilene, Texas, Respondent:

  - lacked fitness to practice nursing in that she showed signs of impaired behavior that include, but are not limited to, being confused, dazed, unable to care for herself, unable to hold her head in an upright position, her speech was slurred, pupils were pinpoint, she had a tremble in her right hand, had an unsteady gait with loss of muscle coordination and was unable to get into her vehicle independently.

  - misappropriated narcotics from the facility or patients thereof, or failed to take precautions to prevent such misappropriation.

6. On February 18, 2010, Respondent was provided notice by the Texas Board of Nursing for the following allegation:

- On or about 2001, Respondent was diagnosed with and has continued to be treated for bi-polar disorder.

- On or about July 16, 2002, to present, Respondent lacked fitness to practice nursing in that she was diagnosed and treated for bipolar disorder.

- On or about July 20, 2005, July 19, 2007, and July 17, 2009, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas A/K/A Texas Board of Nursing in which Respondent provided false, deceptive, and/or misleading information, in that Respondent answered "No" to the following question:

  "In the past 5 years, have you been diagnosed with or treated or hospitalized for schizophrenia or other psychotic disorder, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder?"

7. On April 8, 2010, Respondent returned License Number 184932 and submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in the State of Texas. A copy of Respondent's notarized statement, dated April 1, 2010, is attached and incorporated herein by reference as part of this Order.

8. 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.

9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 violation of Section 301.452(b)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(5),(6)(G),(H)&(I),(11)(B)&(13).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 184932, heretofore issued to DEAUN DALTON, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

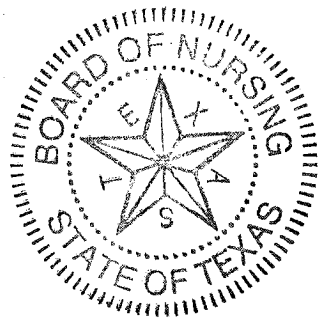
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

3. 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 nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Effective this 2nd day of April, 2010.

TEXAS BOARD OF NURSING



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

Deaun Dalton
6622 FM 2131
Coleman, Texas 76834
Texas LVN License #184932

Voluntary Surrender Statement

April 1, 2010
~~January ___, 2010~~

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Deaun Dalton

Date 4-1-10

Texas Nursing License Number/s 184932

The State of Texas

Before me, the undersigned authority, on this date personally appeared DEAUN DALTON who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 1st day of April, 2010.

SEAL

JUDY G. HARTMAN
Notary Public, State of Texas
My Commission Expires
06-17-2012

Judy G Hartman
Notary Public in and for the State of TX