IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 158963	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
DALIA QUINTANILLA	§	BOARD OF NURSING

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

ORDER OF THE BOARD

TO: Dalia Quintanilla
5609 John Stockbauer, #10103
Victoria, Texas 77904

During open meeting held in Austin, Texas, on Tuesday, June 14, 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 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

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 158963, previously issued to DALIA QUINTANILLA, to practice vocational 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 vocational nursing in the State of Texas.

Entered this 14th day of June, 2011.

TEXAS BOARD OF NURSING

BY: _____

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

Re: Permanent Certificate Number 158963
Issued to DALIA QUINTANILLA
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

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

Dalia Quintanilla
5609 John Stockbauer, #10103
Victoria, Texas 77904

BY: Katherine A. Thomas

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

Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

May 11, 2011

Via Certified Mail No. 91 7108 2133 3934 1954 0759

DALIA QUINTANILLA
5609 JOHN STOCKBAUER, #10103
VICTORIA, TEXAS 77904

NOTICE OF HEARING

RE: IN THE MATTER OF PERMANENT CERTIFICATE NUMBER 158963
ISSUED TO: DALIA QUINTANILLA

Dear Ms. Quintanilla:

Your case is scheduled to be heard before the Texas Board of Nursing at a Committee Meeting on Tuesday, June 14, 2011, at 8:30 a.m., at 333 Guadalupe, Suite 3-460, Austin, Texas, 78701. At that time, pursuant to BON Rule 213.16, your failure to respond and/or appear regarding the allegation(s) of violation(s) of the Nurse Practice Act and to the Formal Charges filed pursuant to BON Rule 213.15, will result in the allegations against you that are set out in the Formal Charges being deemed as true. In addition, your opportunity for hearing on the formal charges shall be deemed to have been waived. The relief sought in this notice of hearing will be granted by default (TEX. GOVT. CODE § 2001.056).

Pursuant to the Texas Occupations Code §301.453, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be imposed by the Board.

Staff has completed a Default Order recommending the sanction of revocation which will be presented to the Board for consideration at its next regularly scheduled business meeting on Tuesday, June 14, 2011, at 8:30 a.m., at 333 Guadalupe, Suite 3-460, Austin, Texas, 78701. **FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT**. If you plan to appear, **no one will be admitted to the Board's office before 8:00 a.m.**

After the Board meets, you will receive formal notification of the decision. Please contact John De La Rosa, Investigator at (512) 305-6873 should you have any questions regarding this matter.

Sincerely,

John De La Rosa
Investigator

Enclosures: Formal Charges with Attachments

Members of the Board

Linda Rounds, PhD, FNP, RN
Galveston, *President*

Deborah Bell, CLU, ChFC
Abilene

Kristin Benton, MSN, RN
Austin

Patricia Clapp, BA
Dallas

Tamara Cowen, MN, RN
Harlingen

Sheri Crosby, JD, SPHR
Dallas

Marilyn Davis, BSN, RN, MPA
Sugar Land

Blanca Rosa Garcia, PhD, RN
Corpus Christi

Richard Gibbs, LVN
Mesquite

Kathy Leader-Horn, LVN
Granbury

Josefina Lujan, PhD, RN
El Paso

Beverley Jean Nutall, LVN
Bryan

Mary Jane Salgado, MEd
Eagle Pass

Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

March 22, 2011

Certified Mail No. 91 7108 2133 3934 2556 9409
Return Receipt Requested

Dalia Quintanilla
5609 John Stockbauer, #10103
Victoria, Texas 77904

Dear Ms. Quintanilla:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of John De La Rosa, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact John De La Rosa, Investigator, Enforcement Division, at the above address, or at (512) 305-6873.

Sincerely,

Katherine A. Thomas

Katherine A. Thomas, MN, RN
Executive Director

KAT/jd

Enclosure: Formal Charges

09/99-DA

Members of the Board

Linda Rounds, PhD, FNP, RN
Galveston, *President*

Deborah Bell, CLU, ChFC, Abilene
Kristin Benton, MSN, RN, Austin
Patricia Clapp, BA, Dallas
Tamara Cowen, MN, RN, Harlingen
Sheri Crosby, JD, SPHR, Dallas
Marilyn Davis, BSN, RN, MPA, Sugar Land
Blanca Rosa Garcia, PhD, RN, Corpus Christi
Richard Gibbs, LVN, Mesquite
Kathy Leader-Horn, LVN, Granbury
Josefina Lujan, PhD, RN, El Paso
Beverley Jean Nutall, LVN, Bryan
Mary Jane Salgado, MEd, Eagle Pass

In the Matter of Permanent License Number 158963, Issued to DALIA QUINTANILLA, Respondent	§ § §	**BEFORE THE TEXAS BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DALIA QUINTANILLA, is a Vocational Nurse holding license number 158963, 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 February 18, 2008, while applying for re-employment with Victoria Nursing and Rehab, Victoria, Texas, Respondent engaged in the intemperate use of marijuana in that she produced a specimen for a pre-employment drug screen which resulted positive for marijuana. Possession of marijuana, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and State Code (Controlled Substance Act). The use of marijuana by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgment, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code(effective 9/07), and 22 TEX. ADMIN. CODE §217.12(5) &(10)(A)&(D)&(11)(B)(effective 6/07).

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 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.state.tx.us.

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.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 22nd day of March, 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
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D/2010.12.28