

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 676177
ISSUED TO
LILLIAN GONZALEZ

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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. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Lillian Gonzalez
613 Coastal Dreams
North Las Vegas, NV 89031

During open meeting held in Austin, Texas, on Tuesday, May 12, 2009, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and 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 § 213.2(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 676177, previously issued to LILLIAN GONZALEZ, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 676177, previously issued to LILLIAN GONZALEZ, 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 multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 12th day of May, 2009.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD


Re: Permanent Certificate Number 676177
Issued to LILLIAN GONZALEZ
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of May, 2009, 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):

Lillian Gonzalez
613 Coastal Dreams
North Las Vegas, NV 89031

BY:



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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 676177, Issued to §
LILLIAN GONZALEZ, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LILLIAN GONZALEZ, is a Registered Nurse holding license number 676177, 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 November 10, 2008, Respondent's license to practice professional nursing in the State of Nevada was Revoked by the Nevada State Board of Nursing, Reno, Nevada.

A copy of the Complaint, Notice of Hearing, Findings of Fact, Conclusions of Law, and Order dated November 10, 2008, 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), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of 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).

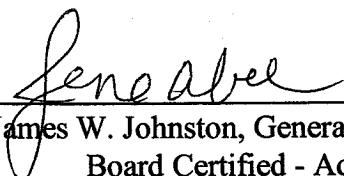
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CONTINUED ON NEXT PAGE.

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.

Filed this 11th day of March, 2009.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

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

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: Nevada Order of the Board dated November 10, 2008

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BEFORE THE NEVADA STATE BOARD OF NURSING

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IN THE MATTER OF
LILLIAN GONZALEZ
LICENSED PROFESSIONAL NURSE
NEVADA LICENSE NO. RN40812
RESPONDENT

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER.

CASE NO. 1141-07C

On Wednesday, September 17, 2008, a hearing was held in the above matter before the Nevada State Board of Nursing at the Tuscany Suites, 255 E. Flamingo Road, Las Vegas, NV 89169, in compliance with the provisions of Chapters 233B and 632 of the Nevada Revised Statutes (NRS) and Chapter 632 of the Nevada Administrative Code (NAC).

Respondent Lillian Gonzales did not appear at the hearing. The Nevada State Board of Nursing staff appeared through counsel, Frederick R. Olmstead.

Based upon NAC 632.923, the Board proceeded to consider the case without the participation of Respondent. Based upon NAC 632.923, the Board considered the charges specified in the Complaint to be true. Accordingly, the Board made the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

I.

At least twenty-one (21) working days prior to the date of the hearing, Respondent had been noticed of the hearing by certified mail to Respondent's last known residential address.

II.

The Board had jurisdiction over the matter, and the Board could proceed to make a determination in the matter.

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1 III.

2 On October 18, 2007, Respondent was working as a licensed Professional Nurse at
3 Summerlin Hospital Medical Center, located in Las Vegas, Nevada. On that day, while working
4 in the Pediatric Nursing Department, Respondent administered a vaccine to the wrong pediatric
5 patient and documented on this patient's immunization record that she administered the vaccine.
6 Respondent later wrote error over the entry. Respondent also asked the mother of this patient to
7 not tell anyone what occurred and failed to notify the facility or the patient's physician of the
8 error.

9 **CONCLUSIONS OF LAW**

10 1. Pursuant to NRS 632.320 and/or NAC 632.325 and/or NAC 632.923-927, the
11 Board may take disciplinary action against the Respondent based upon proof of a violation of
12 chapter 632 of the Nevada Revised Statutes and/or the Nevada Administrative Code.

13 2. Based on the charges specified in the Complaint being considered as true, due to
14 Respondent's failure to appear at the hearing after proper notice was given, Respondent was found
15 guilty of violating NRS 632.320(7) unprofessional conduct, because Respondent violated NAC
16 632.890(20) when Respondent inaccurately recorded, falsified or otherwise altered or destroyed
17 records.

18 Respondent was also found guilty of violating NRS 632.320(7) unprofessional conduct,
19 because Respondent violated NAC 632.890(27) when Respondent failed to perform nursing
20 functions in a manner consistent with established or customary standards.

21 **ORDER**

22 Based on the foregoing Findings of Fact and Conclusions of Law and good cause
23 appearing therefore,

24
25 IT IS HEREBY ORDERED that pursuant to NRS 632.320 and/or NAC 632.926 (1)(h),
26 Respondent's Nevada Professional Nurse's License NO. RN40812 is revoked. Respondent may
27 not apply for reinstatement of the certificate for a period of two (2) years.
28

1 IT IS FURTHER ORDERED that the revocation shall become part of Respondent's
2 permanent record, be published on the Board's list of disciplinary actions, and be reported to the
3 appropriate data banks.

4 Pursuant to NRS 632.400(2), the ruling of the Board contained in these Findings of Fact,
5 Conclusions of Law, and Order shall take effect upon service to the Respondent or when the
6 Board receives a return from the United States Postal Service indicating the Respondent refused
7 service or could not be located.

8 If no return is received by the Board, the order shall become effective 30 days from the
9 date of the order.

10 DATED this 10th day of November 2008.

11 NEVADA STATE BOARD OF NURSING

12
13 By: _____

14 HELEN VOS, MS, RN
15 Board President
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ORIGINAL

BEFORE THE NEVADA STATE BOARD OF NURSING

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4 IN THE MATTER OF
5 LILLIAN GONZALEZ
6 LICENSED PROFESSIONAL NURSE
7 NEVADA LICENSE NO. RN40812
8 RESPONDENT
9

COMPLAINT AND NOTICE
OF HEARING

CASE NO. 1141-07C

10 The Nevada State Board of Nursing (Board), by and through counsel, Frederick R.
11 Olmstead, hereby notifies Respondent Lillian Gonzales of an administrative hearing, which is to
12 be held pursuant to Chapters 233B and 632 of the Nevada Revised Statutes and Chapter 632 of
13 the Nevada Administrative Code. The purpose of the hearing is to consider the allegations stated
14 below and to determine if the Respondent should be subject to an administrative penalty as set
15 forth in NRS 632.320 and/or NRS 632.325 and/or NAC 632.926-.927, if the stated allegations
16 are proven at the hearing by the evidence presented.

17 Respondent Lillian Gonzales was at the time of the allegations stated below, licensed as a
18 Professional Nurse in the State of Nevada, and is, therefore, subject to the jurisdiction of the
19 Board and the provisions of NRS Chapter 632 and NAC Chapter 632.

20 IT IS HEREBY ALLEGED AND CHARGED AS FOLLOWS:

21 I.

22 On or about October 18, 2007, Respondent was working as a licensed Professional Nurse
23 at Summerlin Hospital Medical Center, located in Las Vegas, Nevada. On that day, while
24 working in the Pediatric Nursing Department, Respondent administered a vaccine to the wrong
25 pediatric patient and documented on this patient's immunization record that she administered the
26 vaccine. Respondent later wrote error over the entry. Respondent also asked the mother of this
27 patient to not tell anyone what occurred and failed to notify the facility or the patient's physician
28 of the error.

1 II.

2 The foregoing conduct constitutes grounds for disciplinary action pursuant to NRS
3 632.320(7) unprofessional conduct, because Respondent violated NAC 632.890(20) when
4 Respondent inaccurately recorded, falsified or otherwise altered or destroyed records.

5 The foregoing conduct also constitutes grounds for disciplinary action pursuant to NRS
6 632.320(7) unprofessional conduct, because Respondent violated NAC 632.890(27) when
7 Respondent failed to perform nursing functions in a manner consistent with established or
8 customary standards.

9 Based on the foregoing:

10 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider this
11 Administrative Complaint against the above-named Respondent in accordance with Chapters
12 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative
13 Code.
14

15 THE HEARING WILL TAKE PLACE on **Wednesday September 17, 2008**,
16 commencing at 1:00 p.m., or as soon thereafter as the Board is able to hear the matter, at the
17 **Tuscany Suites, 255 E. Flamingo Road, Las Vegas, NV 89169**. This case and other matters are
18 scheduled to be heard by the Board.
19

20 PURSUANT TO NRS 632.350, Respondent may request, in writing, that the Board
21 furnish copies of communications, reports, and affidavits in its possession, regarding the above-
22 referenced matter.
23

24 As the Respondent, you are specifically informed that you have the right to appear and be
25 heard in your defense, either personally or through counsel of your choice. You have the right to
26 respond and to present relevant evidence and argument on all issues involved. You have the
27 right to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on
28 any matter relevant to the issues involved.

1 You have the right to request that the Board issue subpoenas to compel witnesses to
2 testify and/or evidence to be offered on your behalf. In making this request, you may be required
3 to demonstrate the relevancy of the witness' testimony and/or evidence.

4 The purpose of the hearing is to determine if the Respondent has violated NRS
5 632.320(7), and/or NAC 632.890(20) and/or NAC 632.890(27) and if the allegations contained
6 herein are substantially proven by the evidence presented to further determine what
7 administrative penalty is to be assessed against the Respondent, if any, pursuant to NRS 632.320
8 and/or NRS 632.325 and/or NAC 632.926-.927.

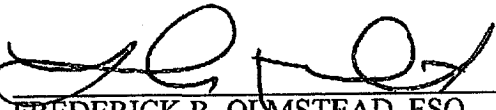
9 Should the Respondent fail to appear at the hearing, a decision may still be reached by
10 the Board. As the Respondent, you are further advised that you may be charged with cost
11 associated with the hearing pursuant to NRS 622.400.

12 Pursuant to NRS 233B.121(5), informal disposition of this case may be made by
13 stipulation, agreed settlement, consent order, or default. Any attempt to negotiate this case
14 should be made through Frederick R. Olmstead, General Counsel, Nevada State Board of
15 Nursing.

16 Pursuant to NRS 241.033(2)(b), the Nevada State Board of Nursing may, without further
17 notice, take administrative action against your license and/or certificate to practice within the
18 State of Nevada if the Board determines that such administrative action is warranted after
19 considering your character, alleged misconduct, professional competence, or physical or mental
20 health.

21 DATED this 14th day of August 2008.

22
23 By:


FREDERICK R. OLMSTEAD, ESQ.
General Counsel
Nevada State Board of Nursing
5011 Meadowood Mall Way, Suite 300
Reno, Nevada 89502-6547
(775) 688-2620