

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 594700
ISSUED TO
DENA GAIL GARCIA

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS



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. Johnson
Executive Director of the Board

ORDER OF THE BOARD

TO: Dena Gail Garcia
9453 E. 155th Dr.
Brighton, Colorado 80602

During open meeting held in Austin, Texas, on March 18, 2008, 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 Board of Nurse Examiners 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 594700, previously issued to DENA GAIL GARCIA, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 594700, previously issued to DENA GAIL GARCIA, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

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 18th day of March, 2008.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

CERTIFICATE OF SERVICE

I hereby certify that on the 24 day of March, 2008, 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):

Dena Gail Garcia
9453 E. 155th Dr.
Brighton, Colorado 80602

BY:



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

In the Matter of Multi State Licensure § **BEFORE THE TEXAS**
Compact Privilege Associated with §
Texas Professional Nurse §
License Number 594700, Issued to §
DENA GAIL GARCIA, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DENA GAIL GARCIA is a Registered Nurse holding license number 594700, which is in MSR Invalid 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 24, 2004, while utilizing her multi state compact privilege associated with her license to practice professional nursing in the State of Texas, and employed with Kingman Regional Medical Center, Kingman, Arizona, Respondent exhibited impaired behavior and smelled like alcohol. The use of alcohol by a nurse, while subject to duty or call, 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) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A).

CHARGE II.

On or about January 27, 2005, Respondent plead guilty and was convicted of "Driving or Under the Influence of Intoxicating Liquor and/or Drugs" (a class 1 misdemeanor offense committed on December 26, 2004) in the Parker Justice Court, Parker, Arizona, Cause Number CR 2004 1296. As a result of the conviction, Respondent was order to spend one (1) day in the Parker County Jail, pay fines and complete alcohol screening and sixteen (16) hours of education.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9), (10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).

CHARGE III.

On or about March 17, 2005, while utilizing her multi state compact privilege associated with her license to practice professional nursing in the State of Texas, and employed with Kingman Regional Medical Center, Kingman, Arizona, Respondent exhibited impaired behavior and smelled like alcohol. The use of alcohol by a nurse, while subject to duty or call, 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), & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5) & (10)(A).

CHARGE IV.

On or about March 18, 2005, Respondent self-reported to the Arizona State Board of Nursing that she drank two (2) alcoholic drinks on or about March 17, 2005 prior to going to work. Respondent admitted to drinking approximately two (2) alcoholic drinks every other day since the age of nineteen (19). The use of alcohol by a nurse, while subject to duty or call, 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) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5) & (10)(A).

CHARGE V.

On or about July 20, 2006, Respondent's Multi State Licensure Compact Privilege Associated with her license to practice professional nursing in the State of Texas was revoked by the Arizona State Board of Nursing. A copy of the Order to Revoke Multistate Licensure Privilege, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

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).

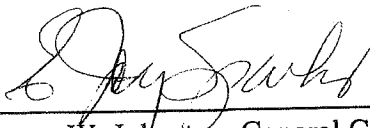
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order to Revoke Multistate Compact Privilege in the State of Arizona dated July 20, 2006.

Filed this 4th day of February, 2008.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
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Attachments: Order to Revoke Multistate Compact Privilege in the State of Arizona dated July 20, 2006.