

1 **ARIZONA STATE BOARD OF NURSING**
2 **4747 North 7th Street, Ste 200**
3 **Phoenix, Arizona 85014-3655**
4 **602-771-7800**

5 IN THE MATTER OF THE PRACTICAL
6 NURSE LICENSE NO. LP039414
7 ISSUED TO:

8 MELISSA SUE GOMEZ,

9 RESPONDENT

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER NO. 1404042**

10 On November 20, 2015, the Arizona State Board of Nursing (“Board”) considered the State’s
11 Motion to Deem Allegations Admitted and Recommended Discipline and Respondent’s Response to
12 the Motion, if any, at the Arizona Board of Nursing, 4747 North 7th Street, Suite 200, Phoenix Arizona
13 85014-3655. Elizabeth A. Campbell, Assistant Attorney General, appeared on behalf of the State.
14 Respondent was not present and was not represented by counsel.

15 On November 20, 2015, the Board granted the State’s Motion to Deem Allegations Admitted.
16 Based upon A.R.S. § 32-1663(F) and Notice of Charges No.1404042 issued in this matter, the Board
17 adopts the following Findings of Fact, Conclusions of Law, and **REVOKES** Respondent’s license.

18 **FINDINGS OF FACT**

19 1. On or about March 19, 2015, Respondent submitted a registered nurse application by
20 examination to the Board. Respondent currently holds practical nurse license LP039414, which
21 expires on April 1, 2015. Based upon information obtained during the application process, the Board
22 conducted an investigation.

23 2. On or about April 17, 2005, at 9:00 PM, according to Tucson (AZ) Police Department
24 report number 0504178007, police contacted a group of people in a park after hours, and some were
25 drinking. Police cited Respondent for being in a park after hours. In case number 5029996,
26
27
28
29

1 Respondent was convicted of being in a park after hours, a misdemeanor, in Tucson City Court in
2 Tucson, Arizona (date of conviction was unavailable). Respondent failed to disclose this incident in
3 response to Board issued questionnaires and failed to provide the detailed written statement, police
4 and court records as required in response to Board issued questionnaires.
5

6 3. On or about July 8, 2006, according to South Tucson Police Department report number
7 0607080018, a victim was shot several times and died. On or about July 9, 2006, a search warrant
8 was obtained for a residence, and Respondent, Romero and another person arrived in a vehicle.
9 Respondent was “uncooperative and interferes with the actual search” of the residence, and was taken
10 into custody. Police cited Respondent for obstruction of government operations. Police issued
11 Respondent complaint number 199071, for South Tucson Municipal Court. On or about October 6,
12 2006, in case number CR0020060851, a misdemeanor charge of obstructing public administration
13 was dismissed in South Tucson Municipal Court after Respondent completed an Adult Responsibility
14 Diversion Training. Respondent failed to disclose this incident in response to Board issued
15 questionnaires and failed to provide the detailed written statement, police and court records as
16 required in response to Board issued questionnaires.
17

18
19 4. On or about February 2, 2013, Tucson Police Department report number 1302020369,
20 while police were investigating a suspicious activity complaint, they contacted Respondent after
21 observing her driving. A records check revealed that Respondent’s license to drive was suspended,
22 and she had a warrant for her arrest. Police searched Respondent’s purse and found a gray pill which
23 the officer believed was an “OxyContin” (oxycodone) tablet in a prescription bottle, but the bottle
24 was for a different prescription. Respondent told police she had a prescription for Vicodin
25 (hydrocodone with acetaminophen), but a friend gave her the gray pill, and she did not know what it
26 was. Police arrested Respondent and she was booked a charge of possession or use of a narcotic
27
28
29

1 drug, a class 4 felony; and a misdemeanor warrant for driving with a suspended license. On or about
2 February 19, 2013, a Deputy County Attorney reviewed the case and refused to issue a Complaint
3 because only 1 pill was found, and based on that, there is “no likelihood of a conviction.”
4 Respondent failed to disclose this incident in response to Board issued questionnaires and failed to
5 provide the detailed written statement, police and court records as required in response to Board
6 issued questionnaires.
7

8 5. On or about May 19, 2014, Board Staff mailed Respondent a questionnaire with
9 instructions to provide a completed questionnaire, a written explanation and specific court and police
10 records regarding each of her arrests, citations or charges, by June 19, 2014. On or about September
11 4, 2014, the Board received Respondent’s incomplete response to the Questionnaire. Respondent left
12 the questionnaire completely blank, did not sign it, and provided no documentation. Respondent
13 attached a note stating, “I’ve never been arrested for a felony.” Respondent failed to disclose her
14 February 2, 2013, arrest for possession or use of a narcotic drug, a class 4 felony or any other arrest,
15 citation, or charge. On or about September 9, 2014, Board Staff mailed Respondent notification that
16 her response was incomplete and reminded her that a response to the questionnaire requires a
17 completed questionnaire, a detailed written explanation, the police report narrative, and court records
18 for each of her arrests, citations and charges, for whether the incidents ultimately resulted in
19 convictions or not, with a due date of October 9, 2014. Respondent failed to respond.
20
21

22 6. From on or about April 14, 2009, to December 9, 2014, Respondent was employed with
23 Foothills Rehabilitation Center in Tucson, Arizona. On or about December 9, 2014, Respondent’s
24 employment was terminated due to her performance and conduct, including being “insubordinate” to
25 the Assistant Director of Nursing by stating, “I am not your gofer,” when asked to contact a doctor
26 regarding an order; failing to timely report that a patient had sustained an injury, and further failed to
27
28
29

1 write the doctor's order and schedule the x-ray on Tuesday, December 2; and being rude to her
2 Director of Nursing.

3 **CONCLUSIONS OF LAW**

4
5 The conduct and circumstances alleged in the Findings of Fact constitute violations of the Act,
6 specifically unprofessional conduct, as described in A.R.S. § 32-1663(D) and as defined in A.R.S. § 32-
7 1601(16) (effective May 9, 2002):

8 16. "Unprofessional conduct" includes the following whether occurring in this state or
9 elsewhere: (d) Any conduct or practice that is or might be harmful or dangerous to the health of a
10 patient or the public;
11 A.R.S. § 32-1663 (A) and (D) as defined in A.R.S. § 32-1601 (22) (effective August 2, 2012).

12 22. "Unprofessional conduct" includes the following whether occurring in this state or
13 elsewhere:

14 (d) Any conduct or practice that is or might be harmful or dangerous to the health of a
15 patient or the public.

16 (g) Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to
17 this chapter.

18 (h) Committing an act that deceives, defrauds or harms the public.

19 (j) Violating a rule that is adopted by the Board pursuant to this chapter.

20
21 Additionally, the conduct above constitutes violations of Arizona Administrative Code
22 ("A.A.C.") R4-19-403 (effective 01/31/09): For purposes of A.R.S. § 32-1601, any conduct or practice
23 that is or might be harmful or dangerous to the health of a patient or the public includes one or more of
24 the following:
25
26
27
28
29

1 Department, Arizona State Board of Nursing, 4747 North 7th Street Ste 200, Phoenix AZ 85014-
2 3655, and must set forth legally sufficient reasons for granting a rehearing. A.A.C. R4-19-608.

3 For answers to questions regarding a rehearing, contact the Hearing Department at (602)
4 771-7844. Pursuant to A.R.S. § 41-1092.09(B), if Respondent fails to file a motion for rehearing
5 or review within thirty (30) days after service of this decision, Respondent shall be prohibited
6 from seeking judicial review of this decision.
7

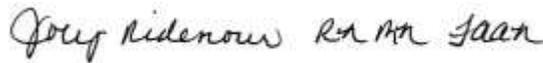
8 This decision is effective upon expiration of the time for filing a request for rehearing or
9 review, or upon denial of such request, whichever is later, as mandated in A.A.C. R4-19-609.
10

11 Respondent may apply for reinstatement of the said license pursuant to A.A.C. R4-19-404 after
12 a period of five years.

13 DATED this 20th day of November, 2015.

14
15 SEAL

ARIZONA STATE BOARD OF NURSING

16 

17 Joey Ridenour, R.N., M.N., F.A.A.N.
18 Executive Director

19
20 COPIES mailed this 24th day of November, 2015 by Certified Mail No.7015 0640 0007 1010 5104
21 and First Class Mail to:

22 Melissa Sue Gomez
23 
24

25 By: T. Smith
26
27
28
29