



BOARD OF REGISTERED NURSING
P.O. Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.rn.ca.gov
Louise R. Bailey, M.Ed, RN, Interim Executive Officer



CITATION ORDER

DATE OF ISSUANCE: June 11, 2012

Table with 2 columns: Name/Address and Citation No./License No.

LOUISE R. BAILEY, M.Ed., RN, issues this citation in her official capacity as Interim Executive Officer of the Board of Registered Nursing (hereinafter referred to as the "Board").

Citation

In accordance with Sections 125.9 and 148 of the Business and Professions Code and 1435 of the California Code of Regulations, this citation is hereby issued to you for violation of Sections 2761(a), 2761(f), 2762(b), 2762(c) and 2765 of the Business and Professions Code and 1444(d) of the California Code of Regulations.

Licensing History

The records of the Board show that on May 11, 2006, the licensee, was issued RN license number said license has an expiration date of August 31, 2013.

Cause for Citation

On or about December 16, 2010, you were convicted by your Nolo Contendere Plea of violating Vehicle Code Section 23152(b) and 25578, by the Superior Court of the State of California, County of Mendocino, case number. The circumstances surrounding the conviction are that on or about September 6, 2010, you willfully and unlawfully drove a vehicle while having .08 percent or more, by weight of alcohol in your blood, to wit: .22 percent.

This act is in violation of Sections 2761(a) and 2761(f) and of the Business and Professions Code, which read as follows:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to...

- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

This act is in violation of Sections 2762(b) and 2762(c) of the Business and Professions Code, which read as follows:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- (c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

This act is in violation of Section 2765 of the Business and Professions Code, which read as follows:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

This act is in violation of Title 16, Section 1444(d) of the California Code of Regulations:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

- (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

TO: Laura Brann, Cite and Fine Analyst
Board of Registered Nursing
1747 North Market Blvd Ste 150
Sacramento, CA 95834

**NOTICE OF APPEAL
REQUEST FOR INFORMAL CONFERENCE/ADMINISTRATIVE
HEARING**

Name:	Citation No:
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I hereby acknowledge receipt of the citation referenced above and notification of my rights to appeal the citation. I hereby request the following action (**check the appropriate box below and return form to address above**):

- Informal Citation Conference - I request an informal citation conference with the Executive Officer or his/her designee. I understand that I may choose to be represented by my legal counsel or an authorized representative. I understand the Executive Officer or his/her designee may also have legal counsel or an authorized representative present at the conference.
- Administrative Hearing - I request an administrative hearing conducted in accordance with Chapter (commencing with Section 11500), Part I, Division 3 of Title 2 of the Government Code.

The Citation Order and/or fine is appealed for the following reason(s): (**Attach your explanation**)

Signature

Date

Address

Telephone #: () _____; () _____
Business Home



APPEAL RIGHTS

Authority to issue a Citation

This citation is being served in accordance with Sections 125.9 and 148 of the Business and Professions Code and Section 1435 of the California Code of Regulations (CCR).

Compliance with a Citation

You must comply with the order(s) of abatement and payment of fine by the date indicated on the citation. Unless appealed, the citation is considered a final Citation Order thirty (30) calendar days from the service of the citation.

How to appeal a Citation for an Informal Conference

If you do not agree with the citation you may appeal it. To appeal the citation, you must submit a written request for an informal citation conference or request an administrative hearing.

A request for an informal citation conference must be submitted to the Board within fourteen (14) calendar days from the service of the citation. The informal citation conference will be with the Executive Officer or designee.

The Executive Officer/designee shall, within 30 calendar days from receipt of the written request, hold an informal citation conference with the individual cited and his/her legal counsel or authorized representative, if desired.

The Executive Officer/designee may affirm, modify, or dismiss a Citation, including any fine or order of abatement, at the conclusion of the informal citation conference. A written decision including the reasons for the decision shall be mailed to the individual and his/her legal counsel, if any, within 14 calendar days from the date of the informal citation conference.

How to appeal the Informal Citation Conference Decision

If a citation is affirmed or modified, you may request an administrative hearing within 30 calendar days from the mailing date of the informal citation conference decision. You must make this request in writing.

How to appeal directly for an Administrative Hearing

An administrative hearing is conducted in accordance with the provisions of the California Administrative Procedure Act. If you request an administrative hearing directly, you must do so within 30 days of the date of issuance of the citation or assessment.

Note: The Board will review and, by majority vote, adopt or reject any final order resulting from the administrative hearing. The Board may amend an administrative hearing decision.

Extension of Order of Abatement

Orders of abatement may be extended for good cause. If you are unable to complete the correction within the time set forth in the citation because of conditions beyond your control after the exercise of reasonable diligence, you may request from the Executive Officer or designee an extension of time within which to complete the correction. This must be in writing and must be made within the time set forth in the abatement.

Failure to comply with a Citation

If a citation is not contested, or if the order is appealed and you do not prevail, failure to abate the violation or pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement. This may result in disciplinary action taken by the Board or other appropriate judicial relief being taken. A fine that is not paid after a citation has become final shall be added to your license renewal fee.

Public Disclosure

This citation, fine, and order of abatement will become a part of your record and will be provided to the public if requested. Citations may only be purged under certain circumstances pursuant to CCR Section 1435.15 and may be used in subsequent hearings by the Board.

Note: Service and issuance dates are the dates the citation is mailed from the Board.

If you have any questions, please contact Laura Brann, Cite and Fine Analyst at (916) 515-5269.

Fine

In accordance with Section 1435.2 of the California Code of Regulations, the administrative fine for the above listed violations shall be in the \$0 – \$2,500 range. **You must pay a fine in the amount of \$500.00, within thirty (30) days from the date this citation is served. The service date of the citation is the date the citation is mailed from the Board.** Payment of the fine should be made to the Board of Registered Nursing, 1747 North Market Blvd, Ste 150, Sacramento, CA 95834. **Please note your citation number on the cashier's check and/or money order.**

Attachments Include:

- Statement of Rights;
- Payment of Fine – Waiver of Appeal Rights
- Notice of Appeal

If you have any questions, please contact Laura Brann, Cite and Fine Analyst, at (916) 515-5269.

LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer

Date



July 27, 2012

Orinda, CA 94563

Re: Citation #

Dear Ms.

This letter is in regards to the Citation and Fine levied by the Board of Registered Nursing (BRN) on June 11, 2012. Your fine is paid in full, as the Board received your payment of \$500.00, on July 20, 2012.

Please be aware of the following regulation, section 1435.15 of the California Code of Regulations, which states that the citation shall remain on your record for three years from the date of resolution.

1435.15. Citation Disclosure and Record Purge

- (a) Every citation that is issued pursuant to this article shall be disclosed to an inquiring member of the public.
- (b) Every citation, once it has been resolved by payment of the administrative fine and/or compliance with the order of abatement, shall be purged three (3) years from the date of resolution, except for citations referenced in subsection (c).
- (c) No citation shall be purged if issued pursuant to CCR Section 1435.3, and no citation shall be purged for any citation issued against an unlicensed individual using the title "registered nurse" or the letters "RN" after his or her name.

The BRN appreciates your compliance and wishes you luck in all your future endeavors. Please feel free to contact me directly if you have any questions regarding this letter or if I may provide any additional assistance.

Sincerely
Board of Registered Nursing

Laura Brann
Cite and Fine Coordinator
(916) 515-5269