BEFORE THE TEXAS BOARD OF NURSING



In the Matter of Registered Nurse

§ License Number 807051 §

issued to PATRICIA KAY MATHER

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 807051, issued to PATRICIA KAY MATHER, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

- 1. Respondent is currently licensed to practice professional nursing in the State of Texas.
- 2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
- 3. Respondent received a Diploma in Nursing from Hutchinson Community College, Hutchinson, Kansas on June 7, 1979. Respondent was licensed to practice professional nursing in the State of Texas on August 10, 2011.
- Respondent's nursing employment history is unknown. 4.
- 5. Formal Charges were filed on January 24, 2012. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
- 6. Formal Charges were mailed to Respondent on January 25, 2012.

7. On February 17, 2012, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated February 10, 2012, is attached and incorporated herein by reference as part of this Order.

CONCLUSIONS OF LAW

- 1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
- 2. Notice was served in accordance with law.
- 3. The evidence received is sufficient to prove a violation of Section 301.452(b)(8), Texas Occupations Code.
- 4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
- 5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
- 6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 807051, heretofore issued to PATRICIA KAY MATHER, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

- 1. RESPONDENT SHALL NOT practice professional nursing, use the title of "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
- 2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
- 3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Effective this _17th_ day of February, 2012.

TEXAS BOARD OF NURSING

By:

Katherine A. Thomas, MN, RN, FAAN Executive Director on behalf

Barrin a. Ohman

of said Board

In the Matter of Permanent License § BEFORE THE TEXAS
Number 807051, Issued to §
PATRICIA KAY MATHER, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, PATRICIA KAY MATHER, is a Registered Nurse holding license number 807051, 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 January 12, 2012, Respondent's license to practice nursing in the State of California was Revoked by the California Board of Registered Nursing, Sacramento, California. Said Revocation was stayed, and Respondent was placed on Probation for a period of three (3) years. A copy of the California Board of Registered Nursing Decision and Order dated January 12, 2012, 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 up to, and including, revocation of Respondent's license/s 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.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: California Board of Registered Nursing Decision and Order dated January 12, 2012.

Filed this 24th day of January, 2012.

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

Lance Robert Brenton, Assistant General Counsel

State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel

State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel

State Bar No. 24052269

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: California Board of Registered Nursing Decision and Order dated January 12, 2012

D/2011.09.23

BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

PATRICIA KAY MATHER

1961 Main Street # 318 Watsonville, CA 95076

Registered Nurse License No. 385777

Respondent

Case No. 2012-68

OAH No. 2011080836

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 12, 2012.

IT IS SO ORDERED December 13, 2011.

I hereby certify the foregoing to be a true copy of the documents on file in our office.

REGISTERED NURSING PROGRAM

Louise R. Balley, M. ED., RN

OF CONSULTATION OF CALLED IN THE OF CALL

President

Board of Registered Nursing Department of Consumer Affairs State of California

1	KAMALA D. HARRIS		
2	Attorney General of California FRANK H. PACOE		
3	Supervising Deputy Attorney General JUDITH J. LOACH		
-	Deputy Attorney General		
4	State Bar No. 162030 455 Golden Gate Avenue, Suite 11000		
5	San Francisco, CA 94102-7004		
6	Telephone: (415) 703-5604 Facsimile: (415) 703-5480		
7	E-mail: Judith.Loach@doj.ca.gov Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF RECISTERED NURSENIC		
10	STATE OF CALIFORNIA		
11			
12			
	In the Matter of the Accusation Against: Case No. 2012-68		
13	PATRICIA KAY MATHER 1961 Main Street, # 318 OAH No. 2011080836		
14	Watsonville, CA 95076 Registered Nurse Ligano No. 395777 STIPULATED SETTLEMENT AND		
15	DESCIPLINARY ORDER		
16	Respondent.		
17			
18	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
19	entitled proceedings that the following matters are true:		
20	PARTIES		
21	1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board		
22	of Registered Nursing. She brought this action solely in her official capacity and is represented in		
23	this matter by Kamala D. Harris, Attorney General of the State of California, by Judith J. Loach,		
24	Deputy Attorney General.		
25	2. Respondent Patricia Kay Mather ("Respondent") is represented in this proceeding by		
26	attorney George E. Clause, Esq., whose address is: 203 Redwood Shores Parkway, Suite 480,		
27	Redwood Shores, CA 94065.		
28	///		

3. On or about May 31, 1985, the Board of Registered Nursing issued Registered Nurse License No. 385777 to Patricia Kay Mather ("Respondent"). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-68 and will expire on August 31, 2012, unless renewed.

JURISDICTION

4. Accusation No. 2012-68 was filed before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 28, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-68 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-68. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 2012-68, if proven at a hearing, constitute cause for imposing discipline upon her Registered Nursing License.

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9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that Respondent hereby gives up her right to contest those charges. Respondent further agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

- This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 385777 issued to Respondent Patricia Kay Mather is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. Obey All Laws. Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. Comply with the Board's Probation Program. Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. Report in Person. Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

4. Residency, Practice, or Licensure Outside of State. Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. Submit Written Reports. Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. Function as a Registered Nurse. Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing

for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

7. Employment Approval and Reporting Requirements. Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this Decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. Supervision. Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the

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- Maximum The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- Moderate The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.
- Minimum The individual providing supervision and/or collaboration has person-toperson communication with Respondent at least twice during each shift worked.
- Home Health Care If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.
- Employment Limitations. Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

 If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. Complete a Nursing Course(s). Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s).

Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. Cost Recovery. Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$ 3700.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

12. Violation of Probation. If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

13. License Surrender. During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (I) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
 - (2) One year for a license surrendered for a mental or physical illness.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, George E. Clause, Esq. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 10/7/20/1 Value Kay Mather
PATRICIA KAY MAVHER
Respondent

I have read and fully discussed with Respondent Patricia Kay Mather the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

I approve its form and content.

George E. Clause, Esq. Attorney for Respondent

ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. Dated: [0-14-201] Respectfully submitted, KAMALA D. HARRIS Attorney General of California FRANK H. PACOE Supervising Deputy Attorney General Deputy Attorney General Attorneys for Complainant SF2011201750 20511003.doc

Exhibit A

Accusation No. 2012-68

-1	Kamala D. Harris	,
2	Attorney General of California FRANK H. PACOE	
3	Supervising Deputy Attorney General JUDITH J. LOACH	
4	Deputy Attorney General	
	State Bar No. 162030 455 Golden Gate Avenue, Suite 11000	
5	San Francisco, CA 94102-7004 Telephone: (415) 703-5604	
6	Facsimile: (415) 703-5480	
7	E-mail: Judith.Loach@doj.ca.gov Attorneys for Complainant	
. 8	BEFORE THE	
· 9	BOARD OF REGISTERED NURSING	
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
		•
11	In the Matter of the Accusation Against:	Case No. 2012 - Col
12	PATRICIA KAY MATHER	Case No. 6-070
13	1961 Main Street # 318	
14	Watsonville, CA 95076 Registered Nurse License No. 385777	ACCUSATION
15	Respondent.	
16		
17	Complainant alleges:	
18	PARTIES	
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her	
20	official capacity as the Executive Officer of the Board of Registered Nursing, Department of	
21	Consumer Affairs.	
22	2. On or about May 31, 1985, the Board of Registered Nursing issued Registered Nurse	
23	License Number 385777 to Patricia Kay Mather ("Respondent"). The Registered Nurse License	
24	was in full force and effect at all times relevant to the charges brought herein and will expire on	
25	August 31, 2012, unless renewed.	
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in perfinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY AND REGULATORY PROVISIONS

6. Section 2761 of the Code states:

"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, the following:
- "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.
 - 7. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

8. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

9. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

- "(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.
- "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.
- "(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.
- "(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.
- "(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.
- "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

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COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

STATEMENT OF FACTS

- 11. Respondent at all relevant times was a registered nurse at Watsonville Community
 Hospital ("WCH") in Watsonville, California. During this time she was employed as the Nursing
 Supervisor for WCH with duties that included overseeing hospital operations to ensure safe
 patient care and management of crises with effective judgment and decisionmaking.
- 12. On January 30, 2006, S.E., a 60 year-old female, underwent surgery at WCH for repair of a hernia.
- 13. On February 2, 2006, S.E. developed respiratory problems. She was diagnosed with congestive heart failure ("CHF") secondary to fluid overload. At approximately 10:45 p.m., or shortly thereafter, on February 2, 2006, Respondent assisted in transferring S.E. to the Telemetry Unit for closer observation. Prior to the transfer, blood work was drawn for B-type Natriuretic peptide ("BNP"), a specific test to confirm the diagnosis of CHF.
- 14. At approximately 11:30 p.m., on February 2, 2006, S.E. was assigned to Nurse A. During the early morning hours on February 3, 2006, S.E.'s respiratory status did not improve. Her respiratory rate was elevated, she was restless, sweating and had difficulty breathing. Even while receiving 100 % oxygen on a non-rebreather mask, S.E.'s oxygen saturation levels were decreased. Nurse A. did not check for the BNP lab results during her care of S.E.
- 15. At approximately 4:00 a.m., on February 3, 2006, Nurse A. consulted with Respondent regarding S.E. Together they decided to get an earlier than ordered chest x-ray versus calling then contacting the on-call physician regarding S.E.'s condition.
- 16. At approximately 5:15 a.m., on February 3, 2006, Respondent had S.E.'s chest x-ray reviewed by an emergency room physician at WCH, who opined that it was consistent with CHF.

- 17. At approximately 5:25 a.m., Respondent contacted the on-call physician for S.E. The on-call physician was given an incomplete report on S.E.'s status since being moved to the Telemetry unit and was not informed of BNP test results. Respondent did not document in S.E.'s chart her conversation with the on-call physician. Furthermore, Respondent did not at any time request that S.E. be transferred to a unit with a higher level of care given her condition.
- 18. At approximately 6:32 a.m., on February 3, 2006, S.E. went into respiratory arrest.

 She was resuscitated, but sustained brain damage which resulted in her being in a persistent vegetative state.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence -- Failure to Timely Notify Physician)

19. Respondent is subject to discipline for gross negligence pursuant to Code section 2761(a)(1), in that she failed to timely notify the on-call physician of S.E.'s deteriorating condition as set forth above in paragraphs 11 through 17.

SECOND CAUSE FOR DISCIPLINE

(Gross Negligence - Failure to Communicate Complete Information to Physician)

20. Respondent is subject to discipline for gross negligence pursuant to Code section 2761(a)(1), in that she failed to give the on-call physician a complete report on S.E., including the results of the BNP test, as set forth above in paragraph 17.

THIRD CAUSE FOR DISICPLINE

(Gross Negligence -Failure to Request Transfer)

21. Respondent is subject to discipline for gross negligence pursuant to Code section 2761(a)(1), in that she failed to intervene and request an order for the transfer of S.E. to a unit with a higher level of care, as set forth above in paragraphs 11 through 17.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct- Failure to Document)

Respondent is subject to discipline for unprofessional conduct pursuant to Code section 2761(a), in that she failed to document her conversation with the on-call physician as set forth above in paragraph 17.

Paul Longoria, Investigator Texas Board of Nursing 333 Guadalupe Street Ste.3-460 Austin TX 78701

Re: TEXAS RN license # 807051

Dear Mr. Longoria,

Thank you so much for the time you have spent with me on the phone in how to handle my Texas RN license. After taking into consideration the time and cost of contesting parts of the California allegations I have decided that it would be of no value for me to contest those allegations in Texas that I chose not to contest in California.

Per our conversation please accept this letter as the confirmation of the surrender of my TEXAS Registered Nurse license.

Sincerely,

Latucia Ray Mather
Patricia Kay Mather
1961 Main St # 318

Watsonville, CA 95076

(please see attached)

CALIFORNIA JURAT WITH AFFIANT STATEMENT

 ✓ See Attached Document (Notary to cross out lines 1–6 below) ☐ See Statement Below (Lines 1–5 to be completed only by document signer[s], not Notary) 				
1				
2				
3				
5				
6Signature of Document Signer No. 1	Signature of Document Signer No. 2 (if any)			
· ·	Signature of Document Signer No. 2 (if any)			
State of California				
County of Santa CNZ	Subscribed and swom to (or affirmed) before me on this			
	15 day of February, 2012, by Month Patricia Kay mather Name of Signer			
J. KARSAN Commission # 1930434 Notary Public - California Santa Cruz County My Comm. Expires Apr 23, 2015	proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (x) (and (2) Name of Signer			
	proved to me on the basis of satisfactory evidence to be the person who appeared before me.)			
	Signature Signature of Notary Public			
Place Notary Seal Above	TIONAL ————			
Though the information below is not required by law, valuable to persons relying on the document and confraudulent removal and reattachment of this form to ano	it may prove RIGHTTHUMBPRINT RIGHTTHUMBPRINT			
Further Description of Any Attached Document	, and the second			
Title or Type of Document:	· .			
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Signer(s) Other Than Named Above:				