



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 P. Thomas
Executive Director of the Board

DOCKET NUMBER 507-11-1937

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 753845
ISSUED TO
BEVERLY RICHARDS

§ BEFORE THE STATE OFFICE
§
§ OF
§
§ ADMINISTRATIVE HEARINGS

OPINION AND ORDER OF THE BOARD

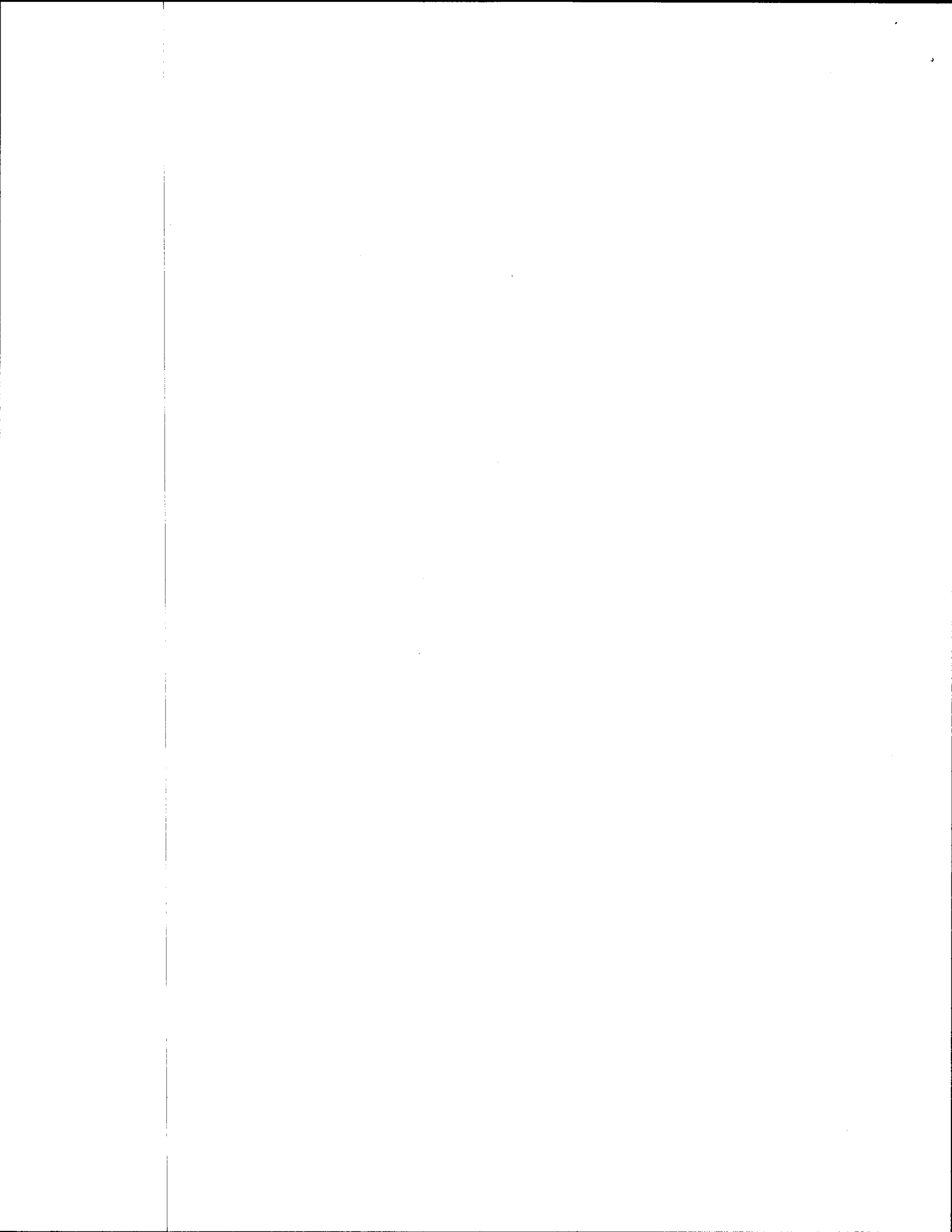
TO: BEVERLY RICHARDS
1740 CHARM WAY
SACRAMENTO, CA 95835

PAUL D. KEEPER
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on July 21-22, 2011, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt the PFD regarding the registered nursing license of Beverly Richards without changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board, after review and due consideration of the PFD, Staff's recommendations, and Respondent's presentation during the open meeting, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.



IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 753845, previously issued to BEVERLY RICHARDS, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.

Entered this 22nd day of July, 2011.

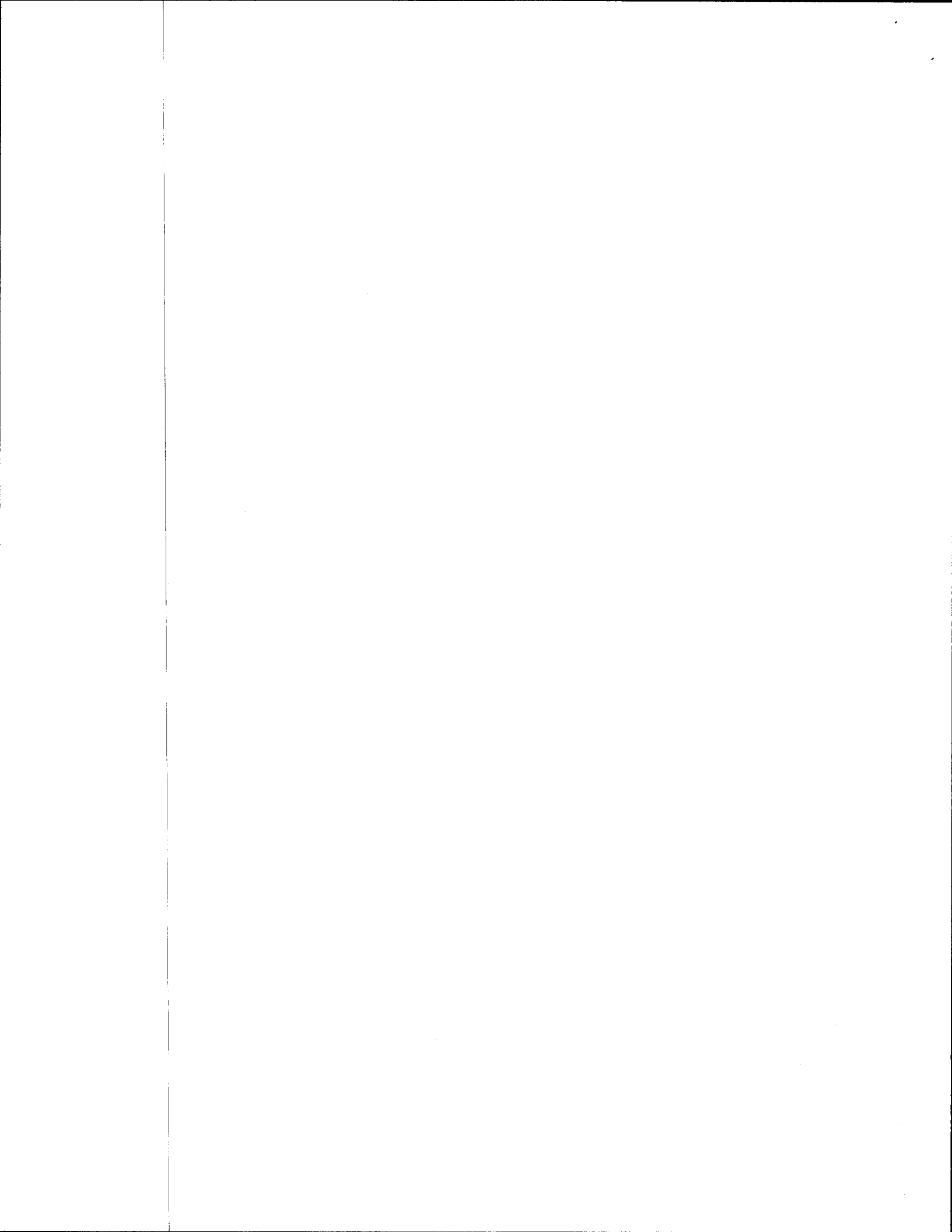
TEXAS BOARD OF NURSING

Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN

EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-11-1937 (February 24, 2011).



SOAH DOCKET NO. 507-11-1937

TEXAS BOARD OF NURSING,
Petitioner

v.

BEVERLY RICHARDS, R.N.
(Permanent Cert. No. 753845),
Respondent

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BEFORE THE STATE OFFICE

OF

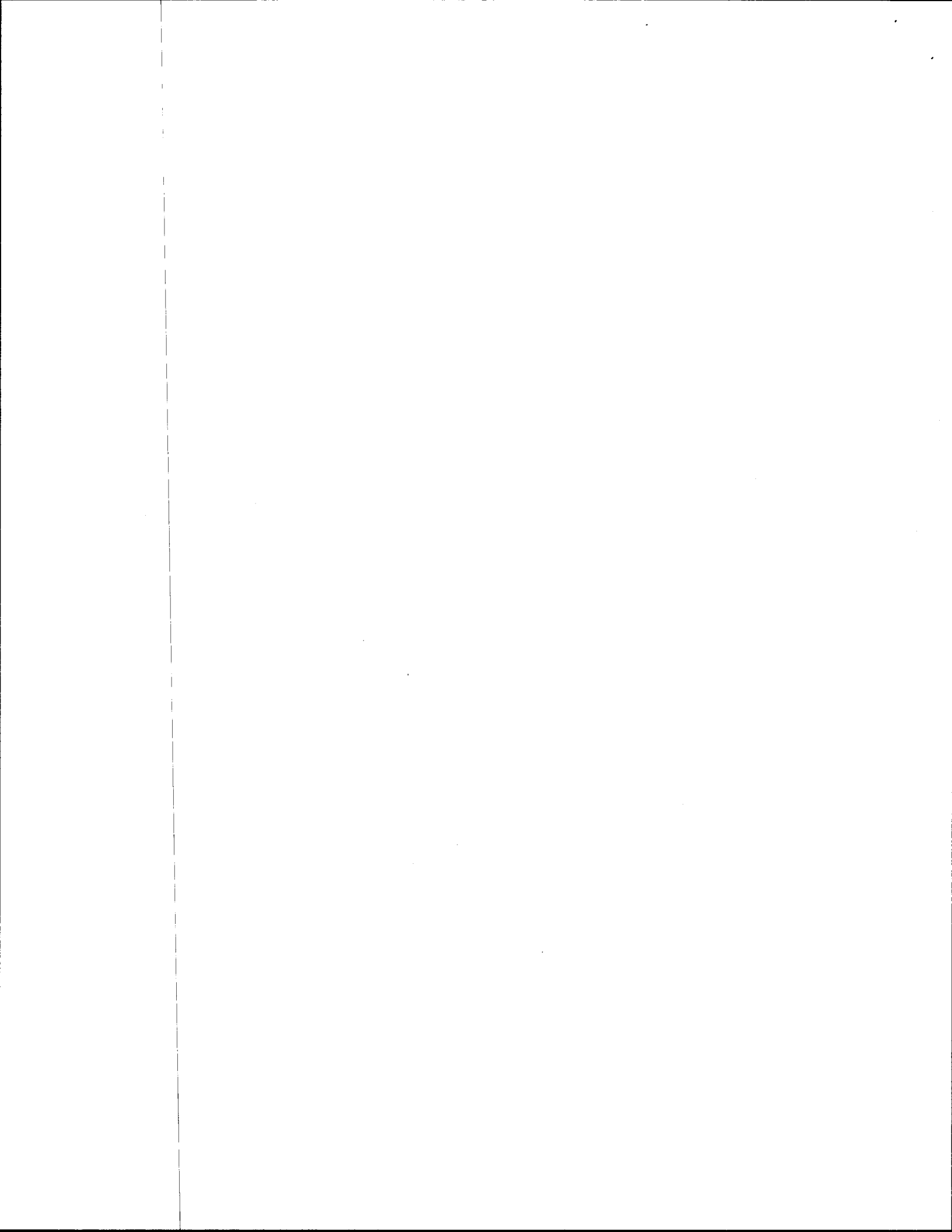
ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

This matter was scheduled for a hearing on the merits at the request of staff of the Texas Board of Nursing (Staff/Board), Petitioner. Despite being sent proper notice, Beverly Richards, R.N., Respondent, did not appear and was not represented at the hearing. For the reasons set out in the findings of fact and conclusions of law, the administrative law judge finds that the relief requested by Petitioner should be granted on a default basis.

FINDINGS OF FACT

1. Notice of the hearing was mailed to Beverly Richards, R.N., Respondent, at her address of record at least ten days prior to the scheduled hearing.
2. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
3. The notice of hearing contained a statement in at least 12-point, boldface type that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against a party that failed to appear at the hearing.
4. The hearing was held and the record closed on February 9, 2011.
5. The Respondent did not appear at the scheduled hearing and was not represented at the hearing.
6. Staff of the Texas Board of Nursing (Staff/Board), Petitioner, moved for a default, which was granted.

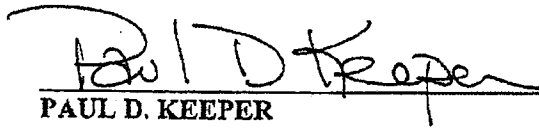


7. The factual allegations set out in the notice of hearing are deemed admitted and are incorporated by reference into this finding of fact.

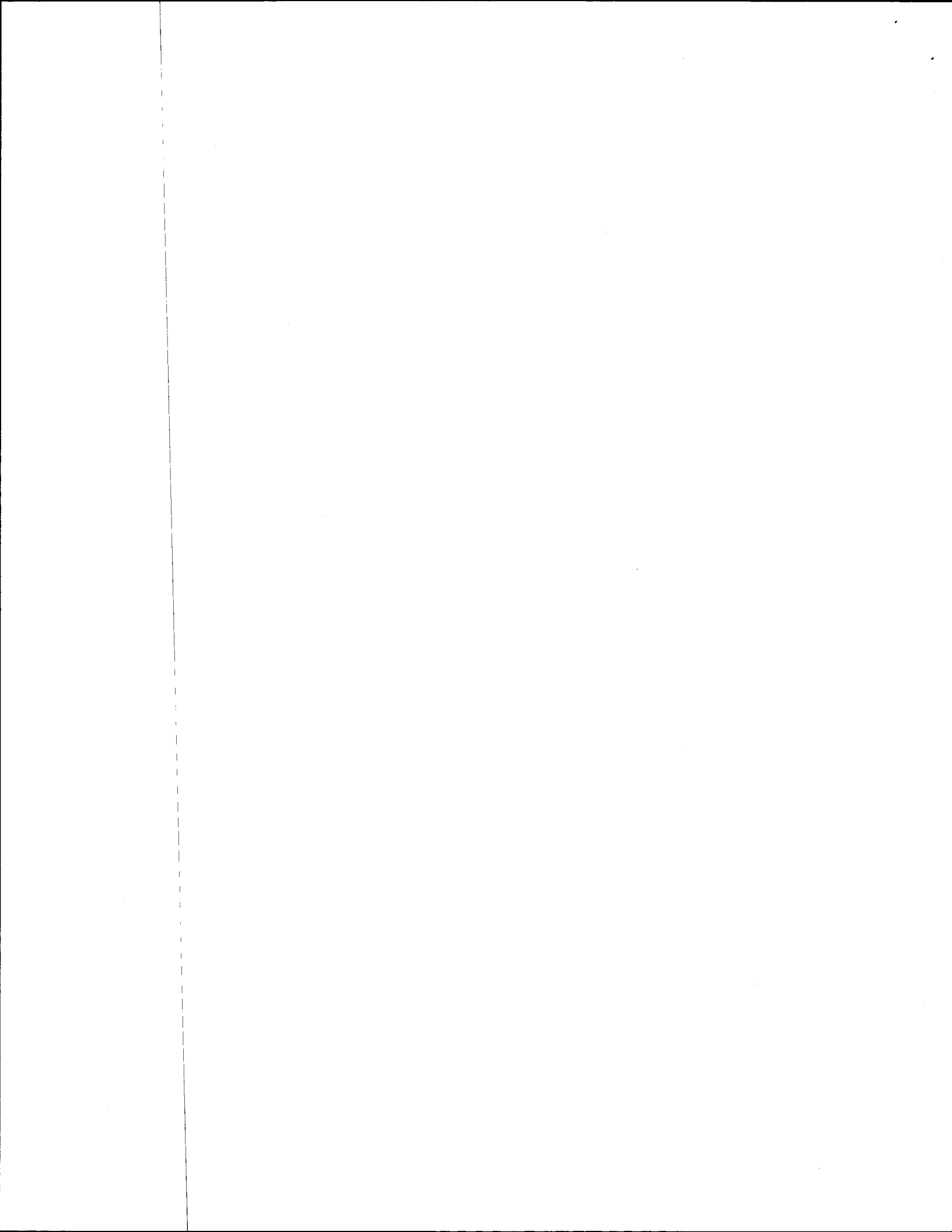
CONCLUSIONS OF LAW

1. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. TEX. GOV'T CODE ch. 2003.
2. The Board, as the referring agency, has jurisdiction over this matter.
3. Proper and timely notice was provided to the Respondent in accordance with TEX. GOV'T CODE ch. 2001 and 1 TEX. ADMIN. CODE ch. 155.
4. The allegations in the notice of hearing were properly deemed admitted. 1 TEX. ADMIN. CODE § 155.501.
5. Staff has established the basis for sanction alleged in the notice of hearing, which is incorporated by reference into this conclusion of law.
6. Petitioner is entitled to the relief requested in its notice of hearing.

SIGNED February 24, 2011.



PAUL D. KEEPER
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



TEXAS BOARD OF NURSING

In the Matter of Permanent

Certificate Number 753845

Issued to BEVERLY RICHARDS

NOTICE OF HEARING

SOAH Docket Number 507-11-1937

Respondent: Beverly Richards
1740 Charm Way
Sacramento, CA 95835

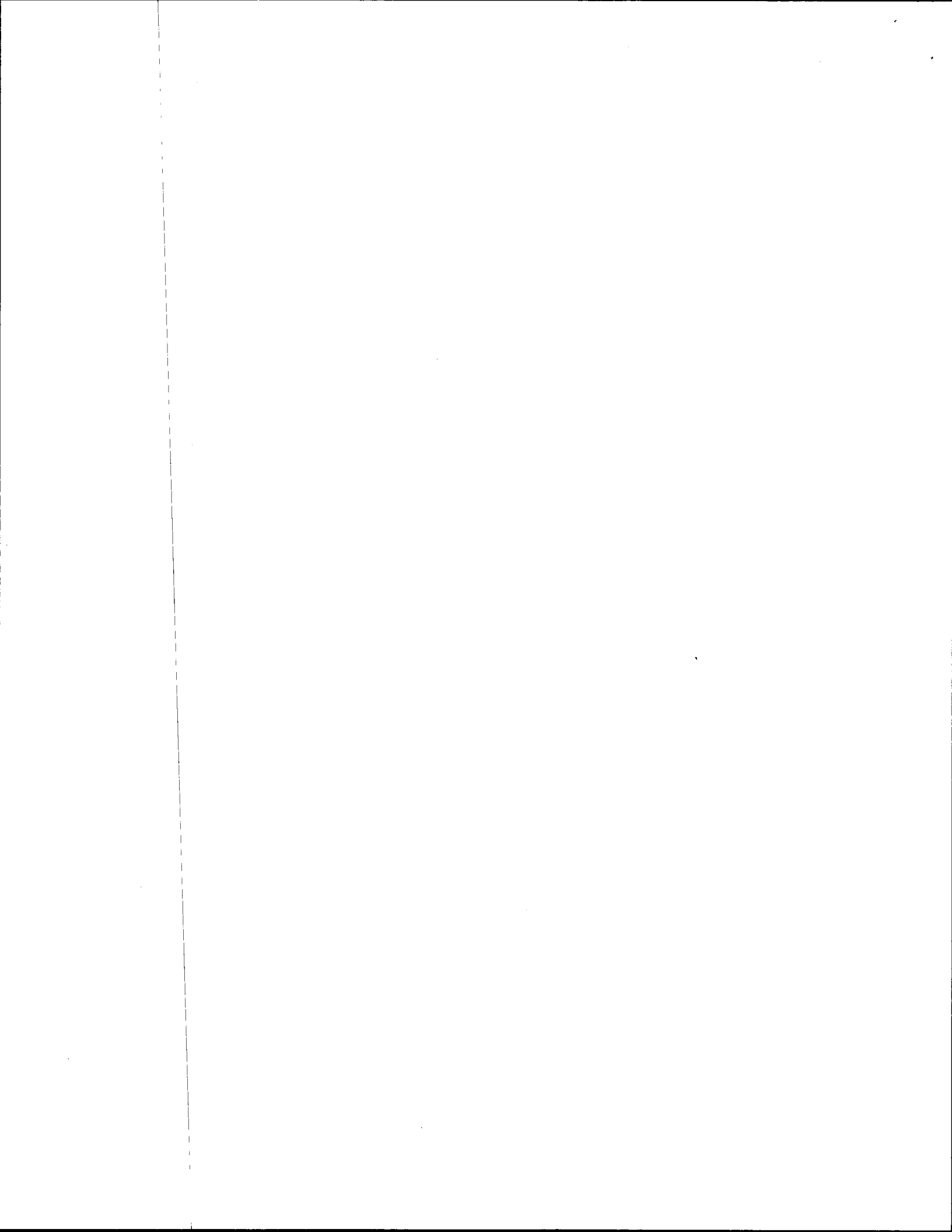
In accordance with Section 2001.051 et seq., Texas Government Code, you are hereby notified that a hearing will be held before an Administrative Law Judge (ALJ), beginning on the 9th day of February, 2011, at 9:00 a.m., at the State Office of Administrative Hearings, William P. Clements Building, 300 W. 15th Street, 4th Floor, Austin, Texas, regarding Formal Charges previously filed and served upon you by the Texas Board of Nursing. The Formal Charges are attached and incorporated by reference as a part of this notice.

The hearing is to be held under the legal authority and jurisdiction of the Administrative Procedures Act, Texas Government Code §2001 et seq.; Title I Part VII Texas Administrative Code Chapter 155; the Nursing Practice Act, Texas Occupations Code §301.451 through §301.555; and the Board of Nursing Rule 213 at 22 Texas Administrative Code.

The particular sections of statutes and rules involved in determining the charges are stated in the attached formal charges in connection to the facts or conduct alleged.

Pursuant to 22 TEX. ADMIN. CODE §213.22, you are required to enter an appearance in this proceeding by filing a written answer or other responsive pleading with the State Office of Administrative Hearings, P.O. Box 13025, Austin, Texas, 78711-3025, with a copy to the staff (General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701). **FAILURE TO ENTER AN APPEARANCE BY FILING A WRITTEN ANSWER OR OTHER RESPONSIVE PLEADING TO THE FORMAL CHARGES WITHIN 20 DAYS OF THE DATE THIS NOTICE WAS MAILED SHALL ENTITLE THE STAFF TO A CONTINUANCE AT THE TIME OF THE HEARING.** "Staff" is defined by 22 TEX. ADMIN. CODE §213.1(41). Continuances are set by the Administrative Law Judge.

You have the right to appear at this hearing and to have legal representation at the hearing at your own expense. **FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL**



CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.

If it is determined that the Formal Charges are substantiated, then any prior disciplinary action that has been taken against your license will be considered when determining the appropriate sanction for these violation(s).

Issued, dated, and mailed this the 22nd day of December, 2010.

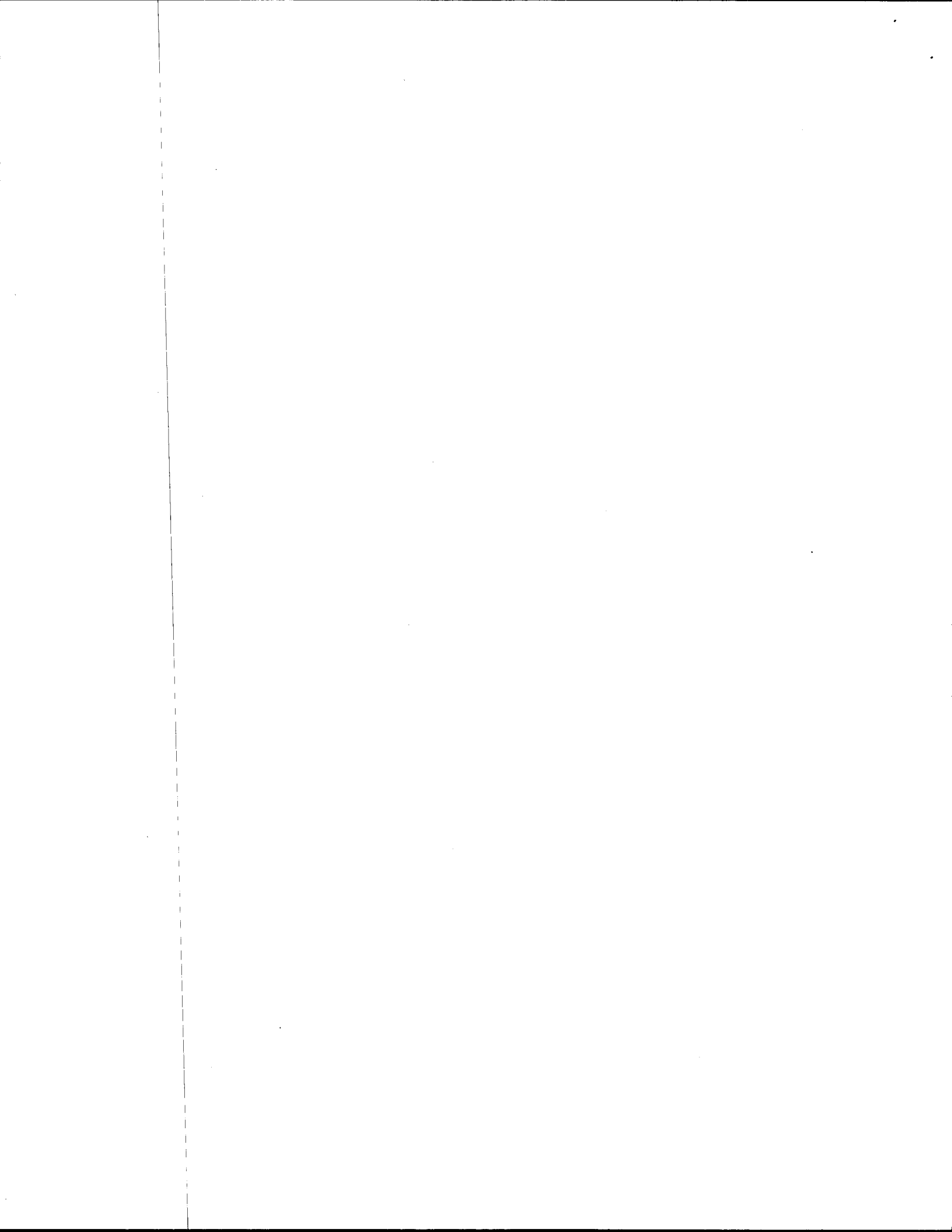
TEXAS BOARD OF NURSING



By: _____

Katherine A. Thomas, MN, RN
Executive Director





In the Matter of Permanent License § BEFORE THE TEXAS
Number 753845, Issued to §
BEVERLY RICHARDS, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BEVERLY RICHARDS, is a Registered Nurse holding license number 753845, 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.

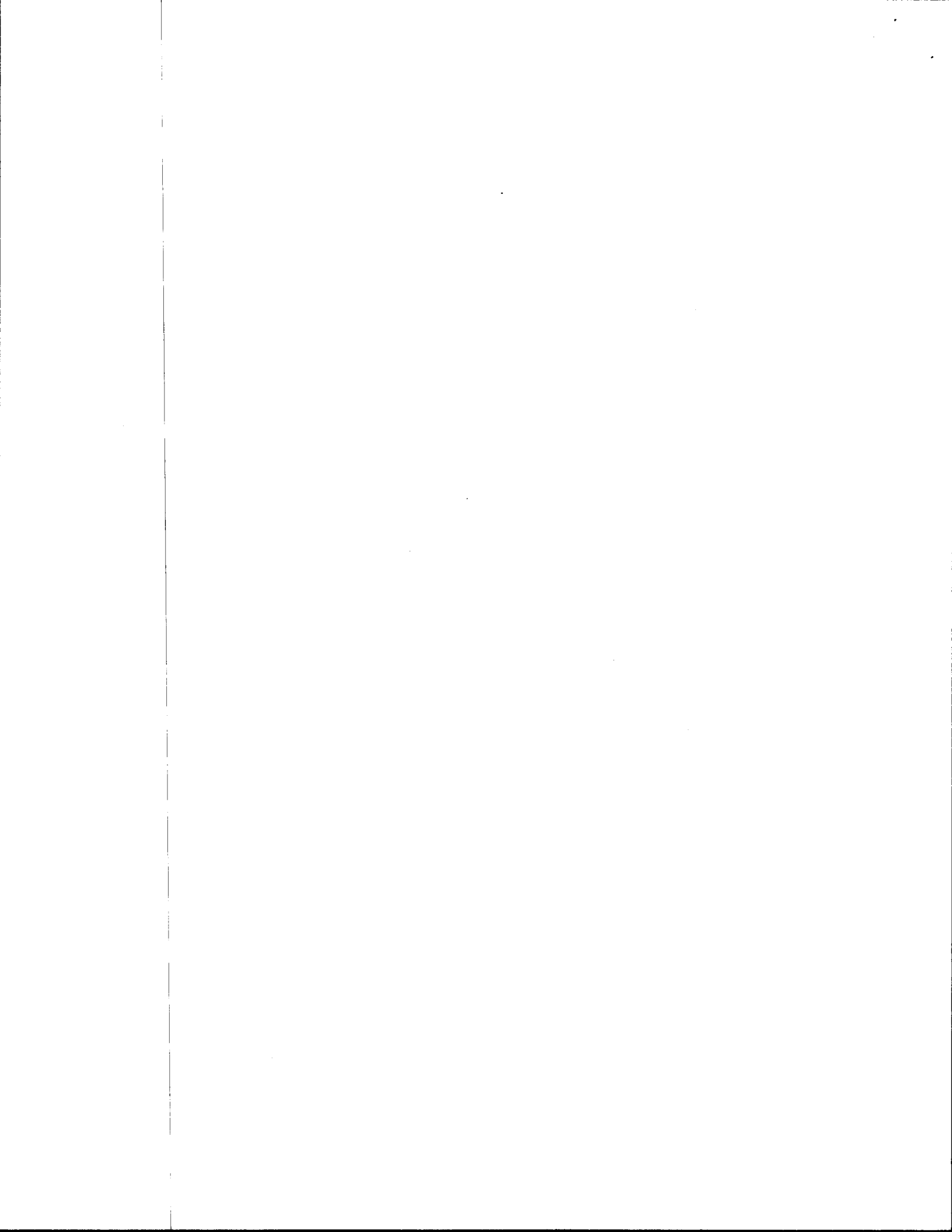
On or about April 12, 2010, Respondent's license to practice professional nursing in the State of California was issued the sanction of REVOCATION with the revocation STAYED and she was placed on PROBATION for three (3) years by the Board of Registered Nursing, Department of Consumer Affairs, State of California, Sacramento, California. A copy of the Stipulated Settlement and Disciplinary Order, dated April 12, 2010, 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 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 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.state.tx.us.

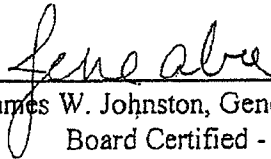
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.



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: Stipulated Settlement and Disciplinary Order, dated April 12, 2010, issued by the Board of Registered Nursing, Department of Consumer Affairs, State of California, Sacramento, California.

Filed this 24th day of May, 2010.

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

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

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

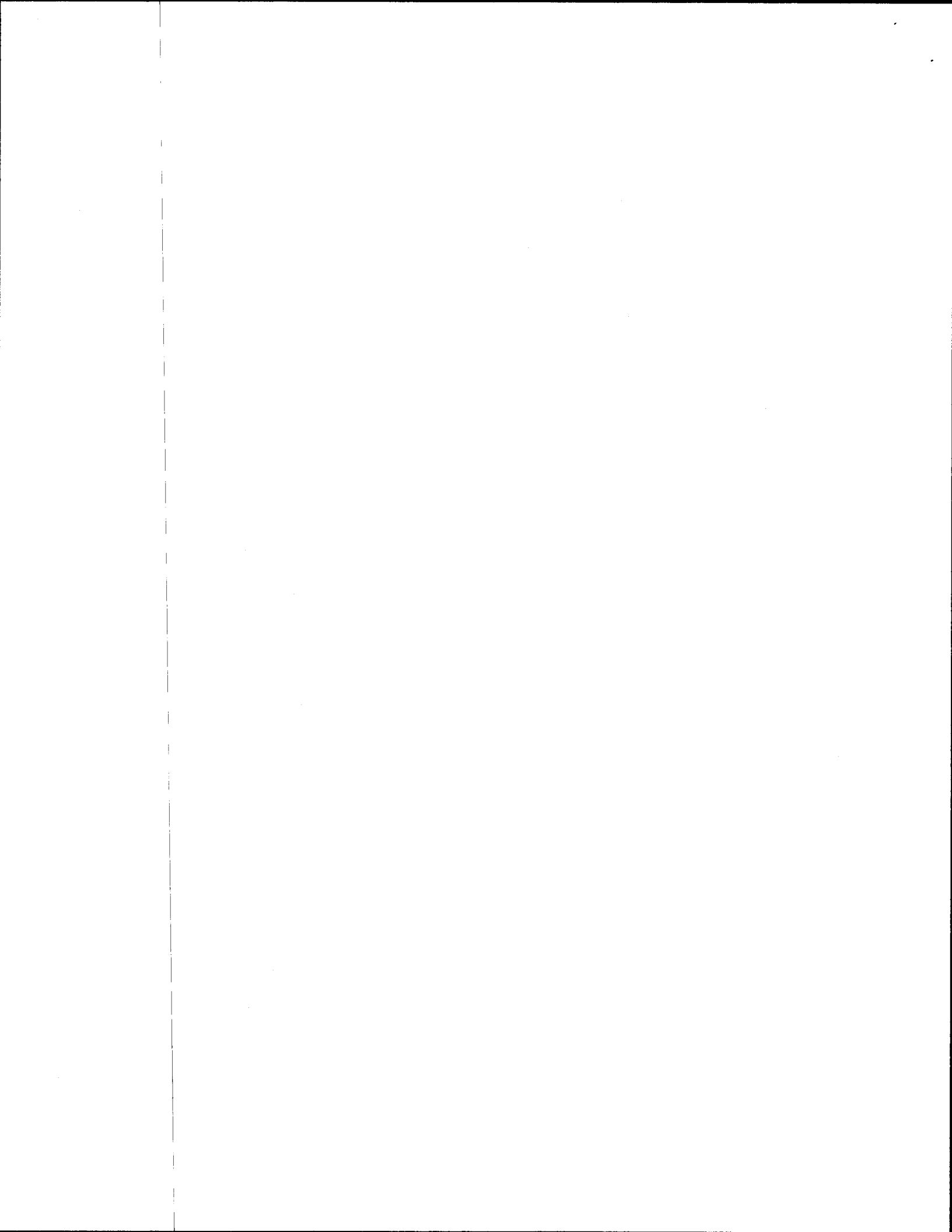
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

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: Stipulated Settlement and Disciplinary Order, dated April 12, 2010, issued by the Board of Registered Nursing, Department of Consumer Affairs, State of California, Sacramento, California.

0999/D



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

In the Matter of the Accusation Against:

BEVERLY ANN RICHARDS
a.k.a. BEVERLY ANN CLARK
1740 Charm Way
Sacramento, CA 95835

Registered Nurse License No. 301801

Respondent

Case No. 2010-8

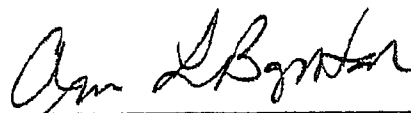
OAH No. 2009080314

DECISION AND ORDER

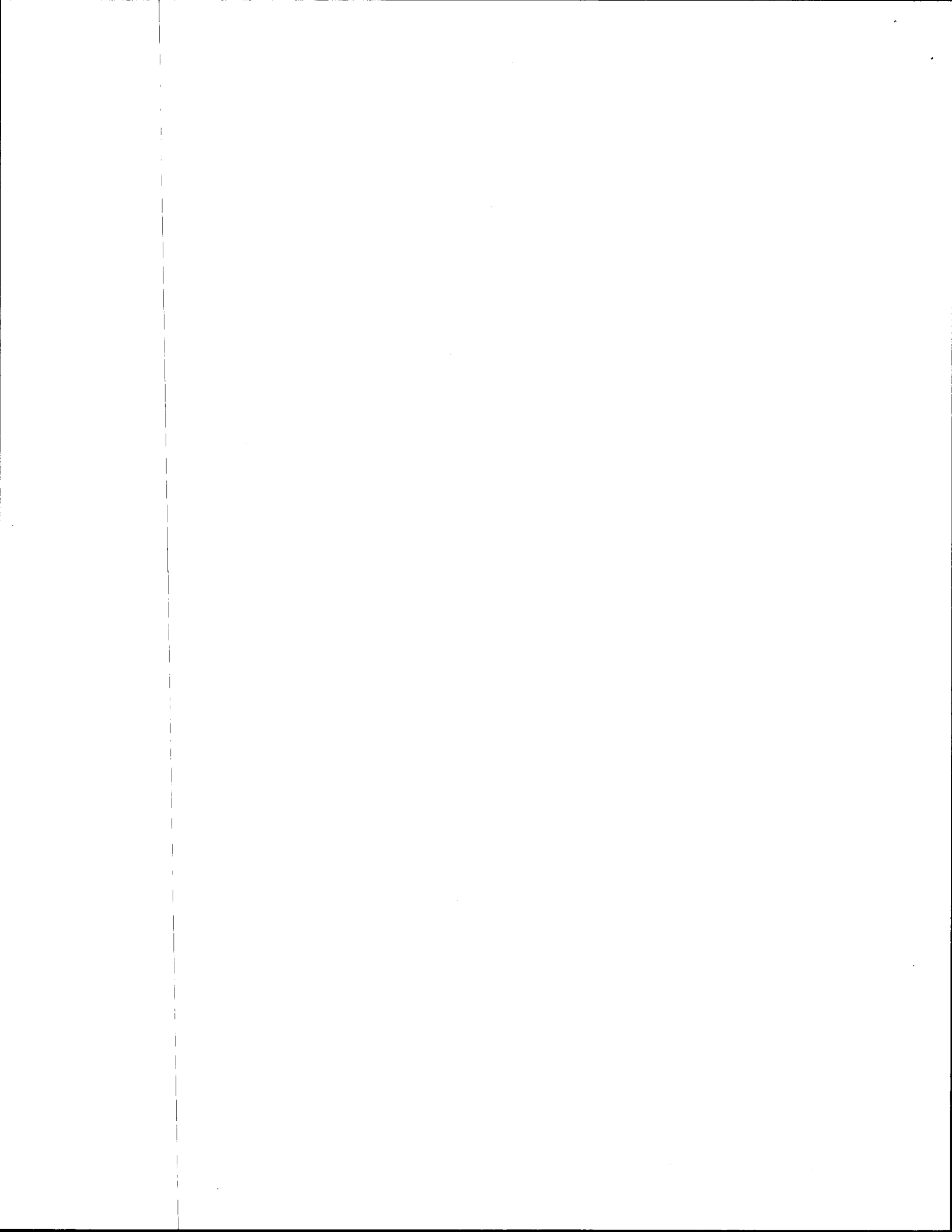
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on April 12, 2010.

IT IS SO ORDERED March 9, 2010.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California



1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney
3 KAREN R. DENVER
Deputy Attorney General
4 State Bar No. 197268
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-8

12 **BEVERLY ANN RICHARDS**
13 **AKA BEVERLY ANN CLARK**
14 1740 Charm Way
Sacramento, CA 95835

OAH No. 2009080314
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Registered Nurse License No. 301801

16 Respondent.

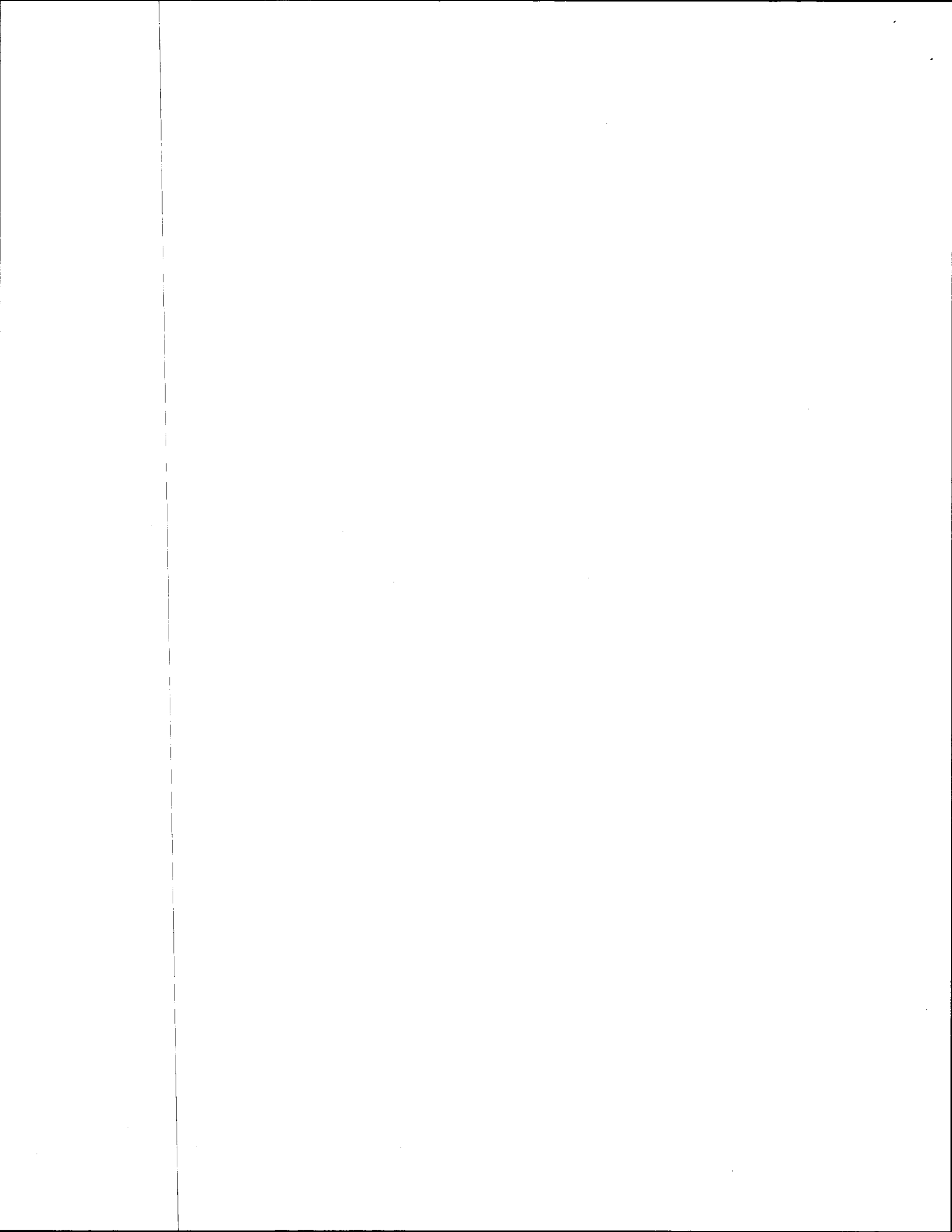
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
22 Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Karen R. Denver, Deputy Attorney General.

25 2. Respondent Beverly Ann Richards (Respondent) is represented in this proceeding by
26 attorney Melanie Balestra, whose address is 36 Santa Comba, Irvine, CA 92606.

27 3. On or about March 31, 1979, the Board of Registered Nursing issued Registered
28 Nurse License No. 301801 to Beverly Ann Richards (Respondent). The Registered Nurse



1 License was in full force and effect at all times relevant to the charges brought in Accusation No.
2 2010-8 and will expire on June 30, 2010, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2010-8 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on July 21,
7 2009. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2010-8 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 2010-8. Respondent has also carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
13 Order.

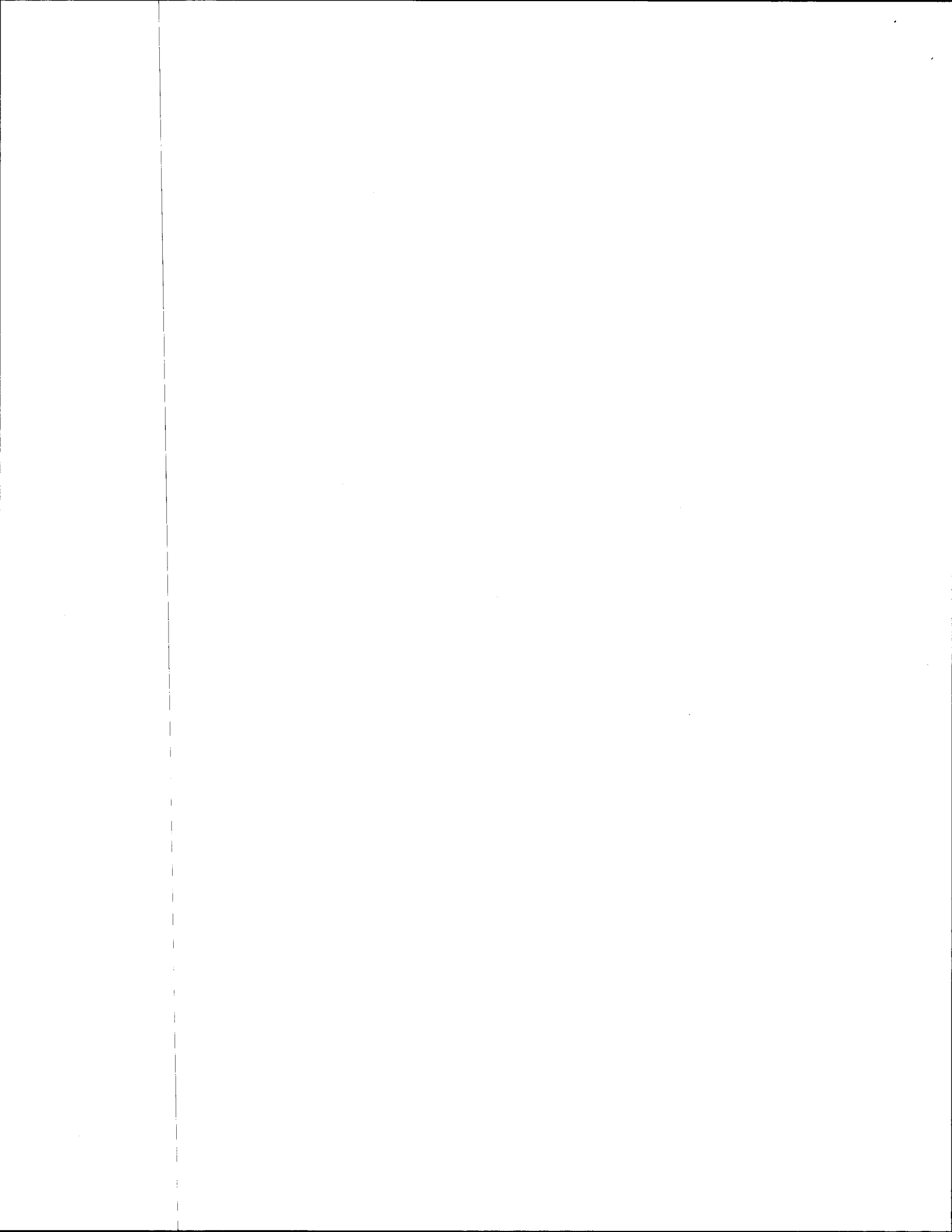
14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 2010-8.

26 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
27 agrees to be bound by the Board of Registered Nursing (Board)'s imposition of discipline as set
28 forth in the Disciplinary Order below.



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CONTINGENCY

10. 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.

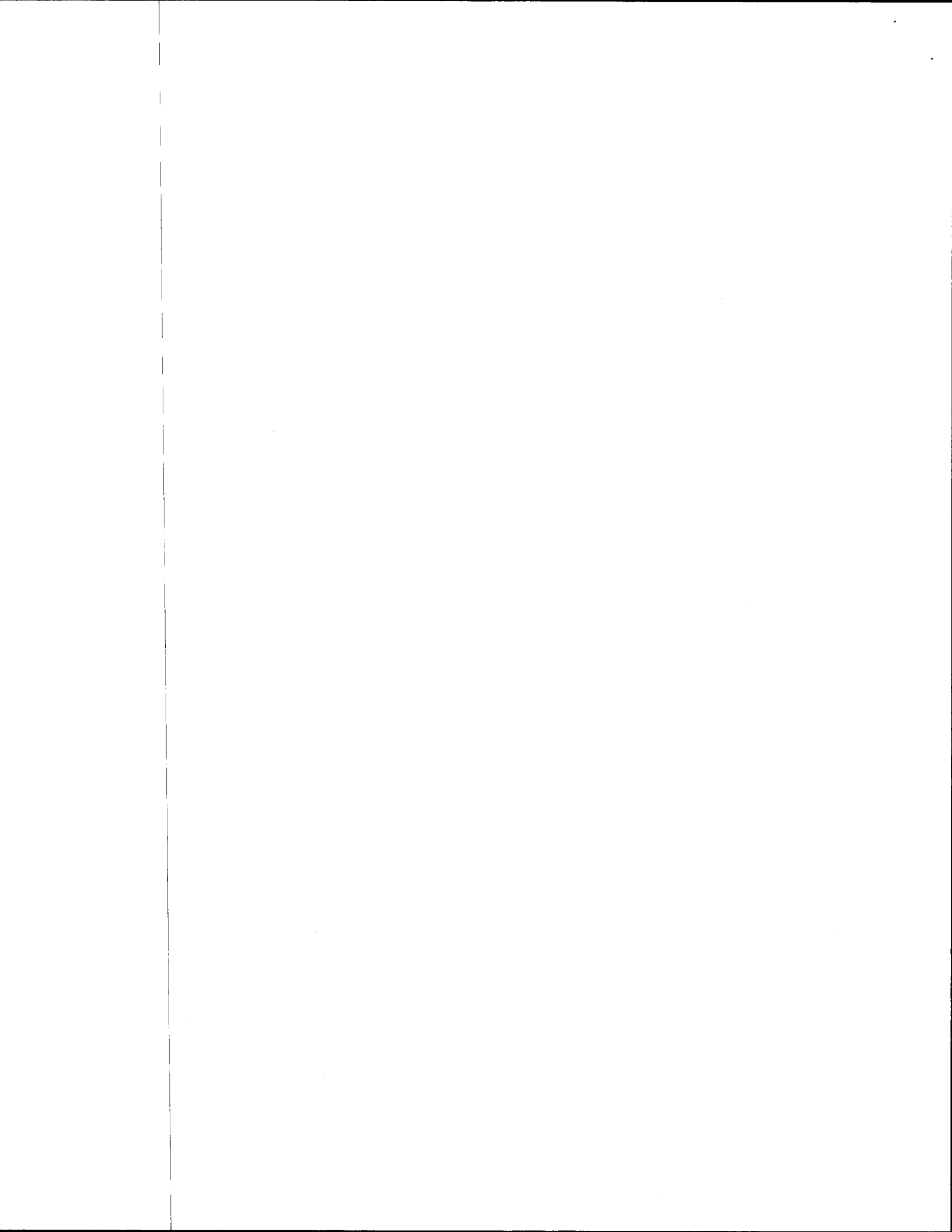
11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. 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. 301801 issued to Respondent Beverly Ann Richards (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.



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

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

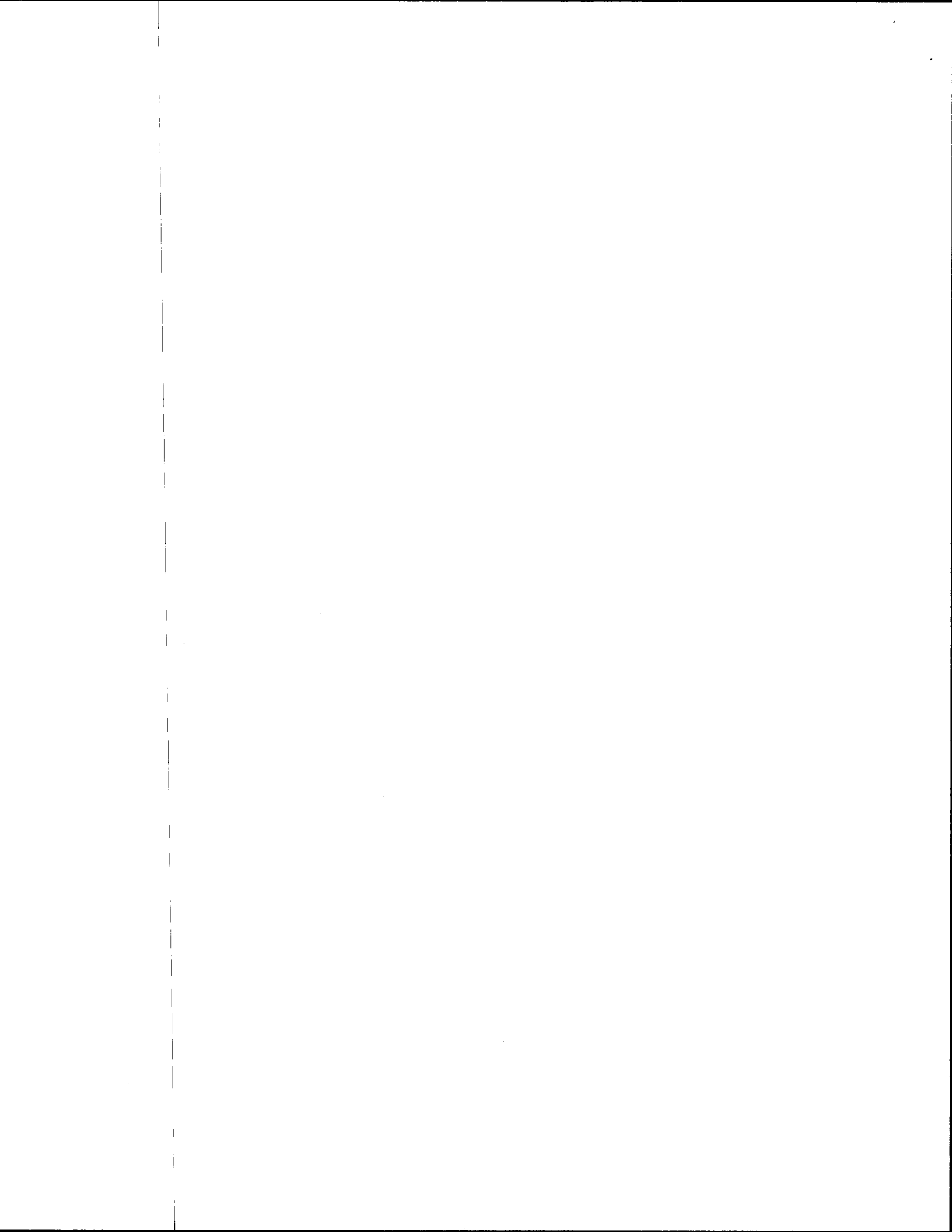
12 **Criminal Court Orders:** If Respondent is under criminal court orders, including
13 probation or parole, and the order is violated, this shall be deemed a violation of these probation
14 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

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

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

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

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



1 returning to practice in this state.

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

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

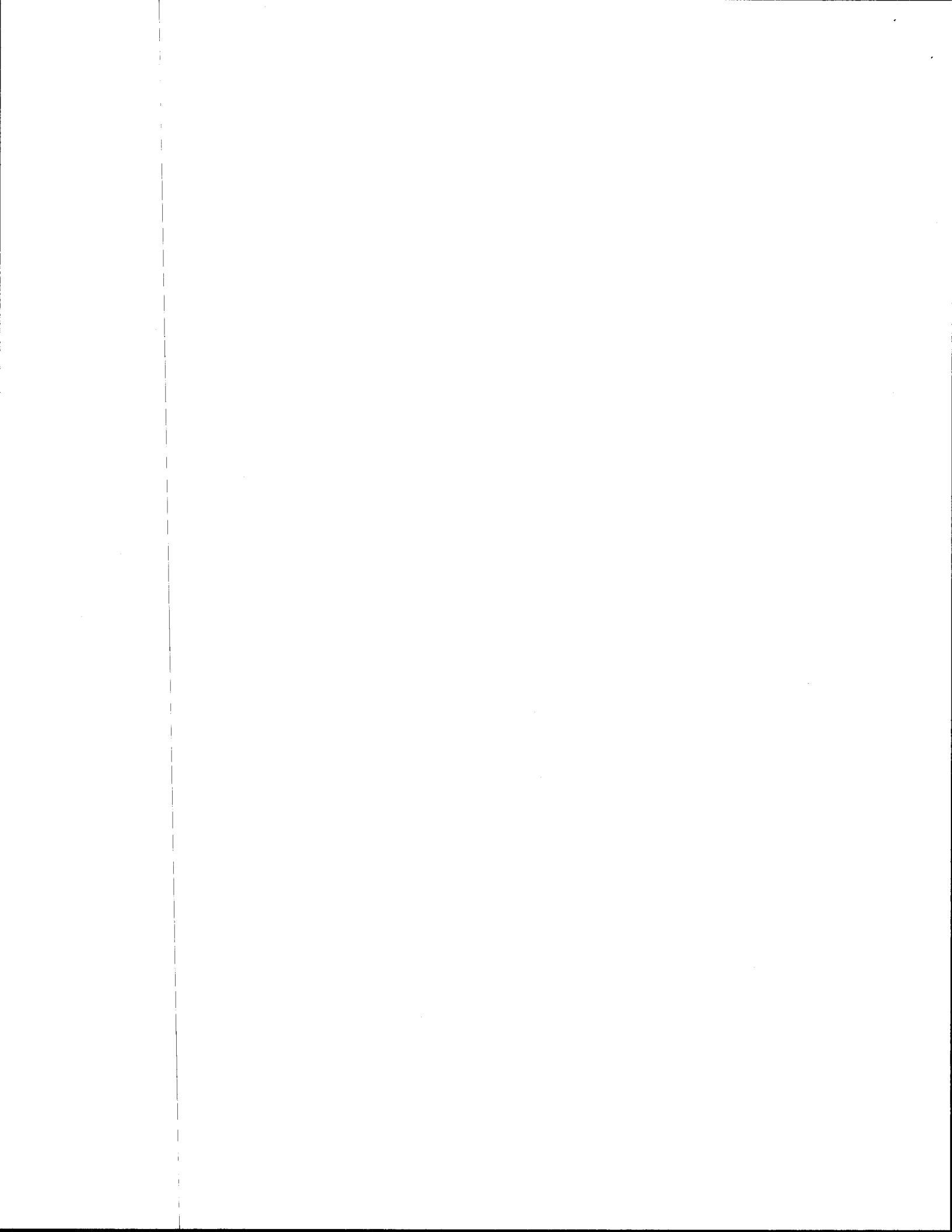
13 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
14 state and territory in which she has a registered nurse license.

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

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

21 The Board may require that advanced practice nurses engage in advanced practice nursing
22 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

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



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

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

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

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

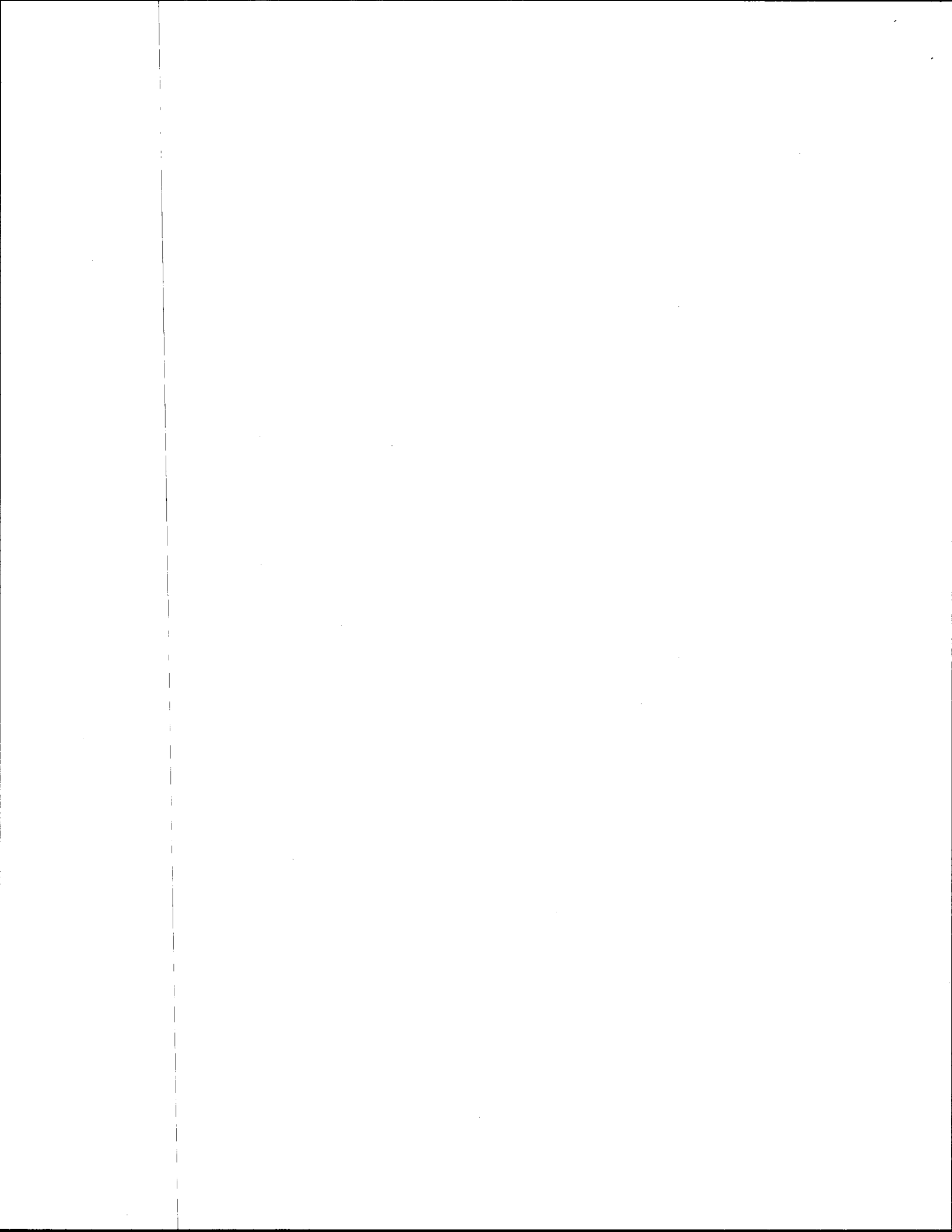
17 Respondent shall practice only under the direct supervision of a registered nurse in good
18 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
19 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
20 approved.

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

23 (a) Maximum - The individual providing supervision and/or collaboration is present in
24 the patient care area or in any other work setting at all times.

25 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
26 care unit or in any other work setting at least half the hours Respondent works.

27 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
28 person communication with Respondent at least twice during each shift worked.



1 (d) Home Health Care - If Respondent is approved to work in the home health care
2 setting, the individual providing supervision and/or collaboration shall have person-to-person
3 communication with Respondent as required by the Board each work day. Respondent shall
4 maintain telephone or other telecommunication contact with the individual providing supervision
5 and/or collaboration as required by the Board during each work day. The individual providing
6 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
7 patients' homes visited by Respondent with or without Respondent present.

8 9. **Employment Limitations.** Respondent shall not work for a nurse's
9 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
10 traveling nurse, or for an in-house nursing pool.

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

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

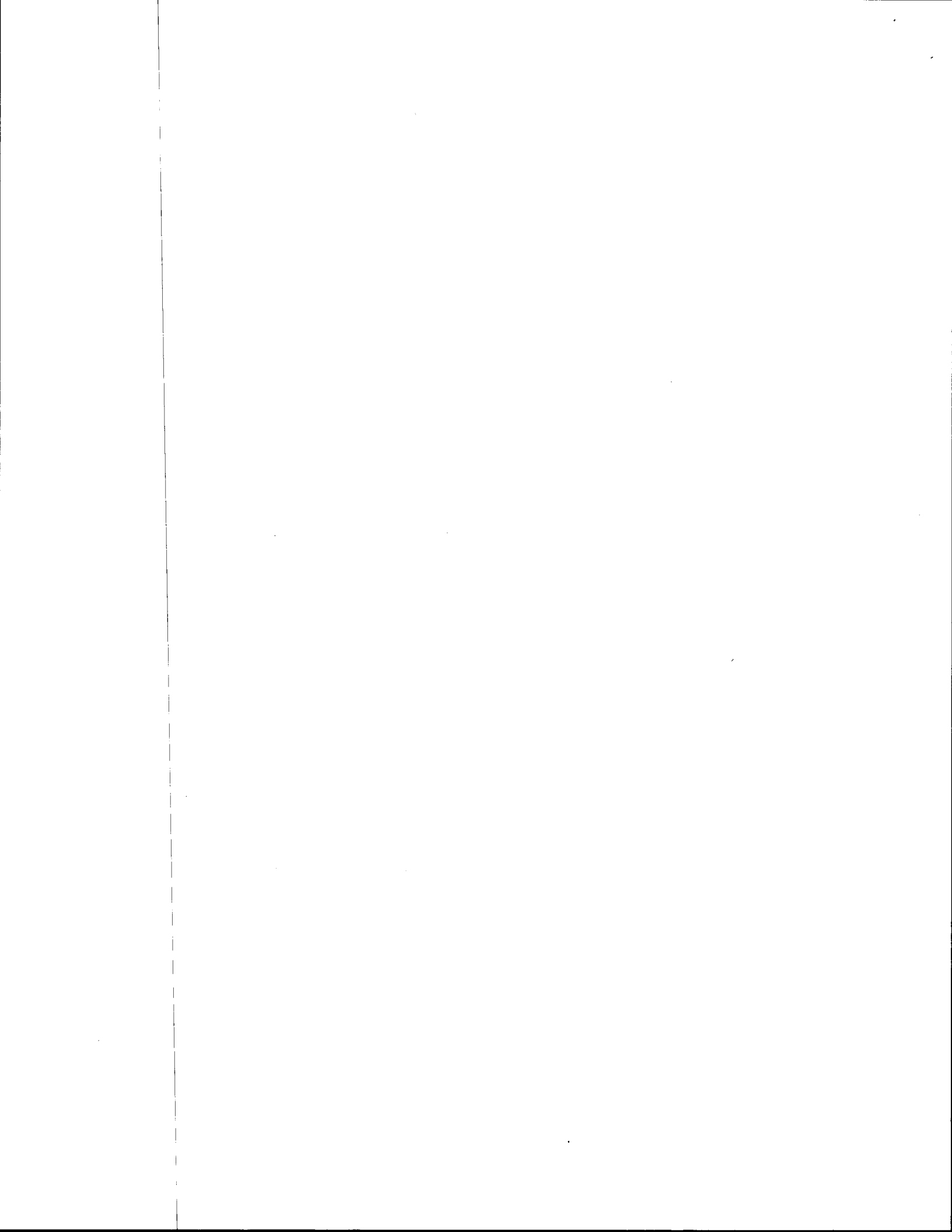
18 Respondent shall not work as a faculty member in an approved school of nursing or as an
19 instructor in a Board approved continuing education program.

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

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

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

27 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
28 Respondent shall submit to the Board the original transcripts or certificates of completion for the



1 above required course(s). The Board shall return the original documents to Respondent after
2 photocopying them for its records.

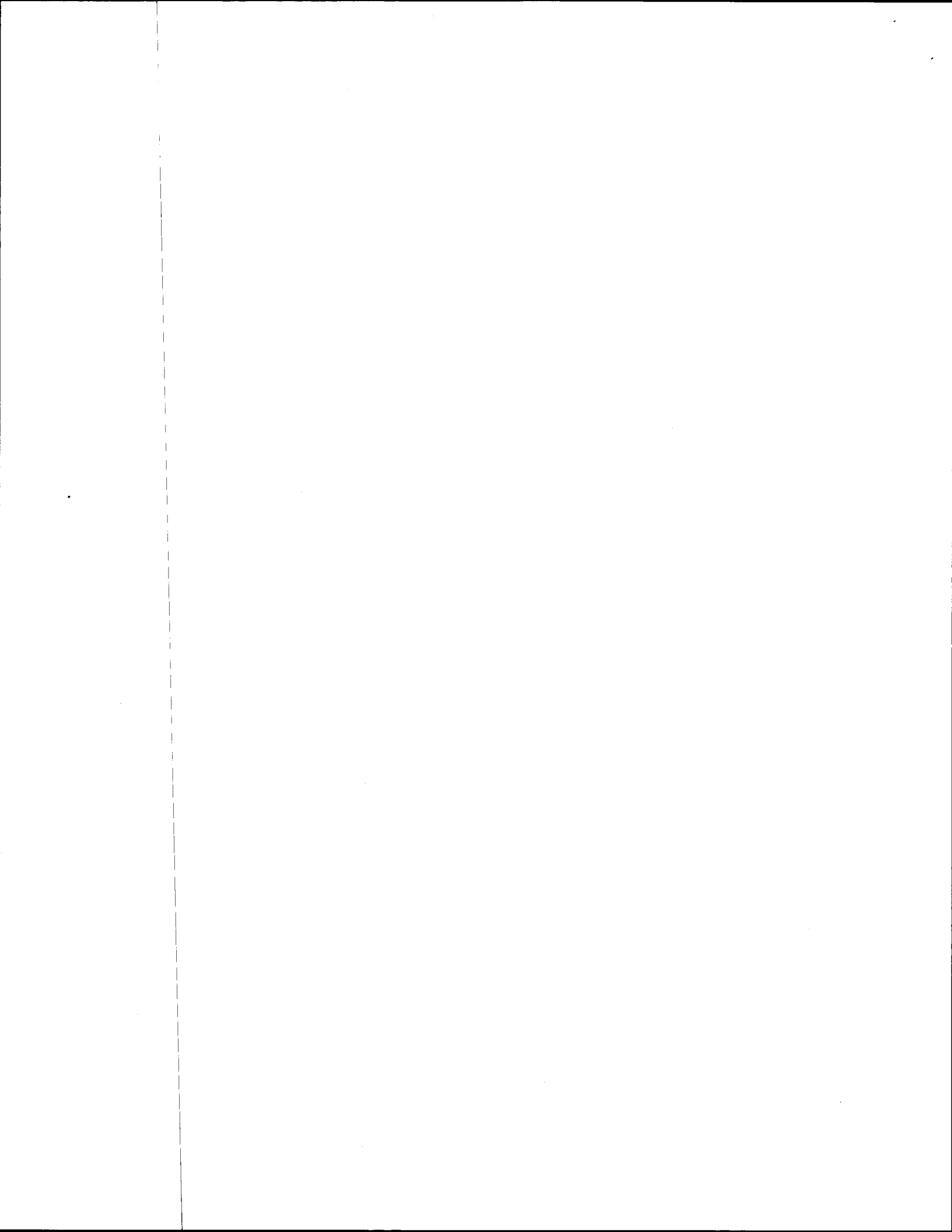
3 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
4 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
5 amount of \$8000.00. Respondent shall be permitted to pay these costs in a payment plan
6 approved by the Board, with payments to be completed no later than three months prior to the end
7 of the probation term.

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

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

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

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



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

5 (1) Two years for reinstatement of a license that was surrendered for any reason other
 6 than a mental or physical illness; or

7 (2) One year for a license surrendered for a mental or physical illness.

8 14. Therapy or Counseling Program. Respondent, at her expense, shall
 9 participate in an on-going counseling program until such time as the Board releases her from this
 10 requirement and only upon the recommendation of the counselor. Written progress reports from
 11 the counselor will be required at various intervals.

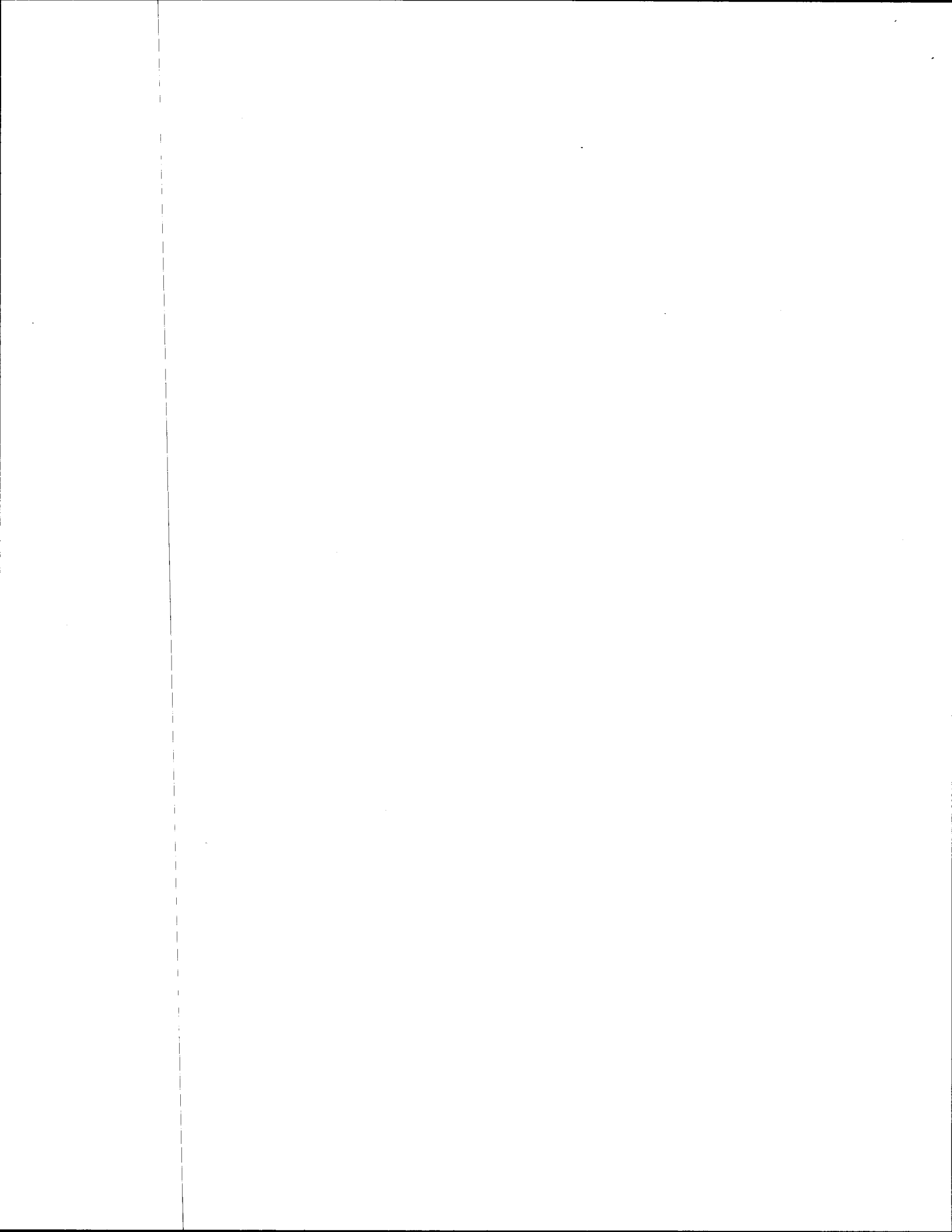
12
 13 ACCEPTANCE

14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
 15 discussed it with my attorney, Melanie Balestra. I understand the stipulation and the effect it will
 16 have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary
 17 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
 18 of the Board of Registered Nursing.

19
 20 DATED: 1/14/2010 Beverly Ann Richards
 21 BEVERLY ANN RICHARDS
 22 Respondent

23 I have read and fully discussed with Respondent Beverly Ann Richards the terms and
 24 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
 25 I approve its form and content.

26
 27 DATED: 1/14/2010 Melanie Balestra
 28 Melanie Balestra
 Attorney for Respondent



ENDORSEMENT

1
2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
4 Affairs.

5 Dated: Jan. 15, 2010

Respectfully Submitted,

6 EDMUND G. BROWN JR.
7 Attorney General of California
8 ARTHUR D. TAGGART
9 Supervising Deputy Attorney

Karen Denvir

10 KAREN R. DENVIR
11 Deputy Attorney General
12 *Attorneys for Complainant*

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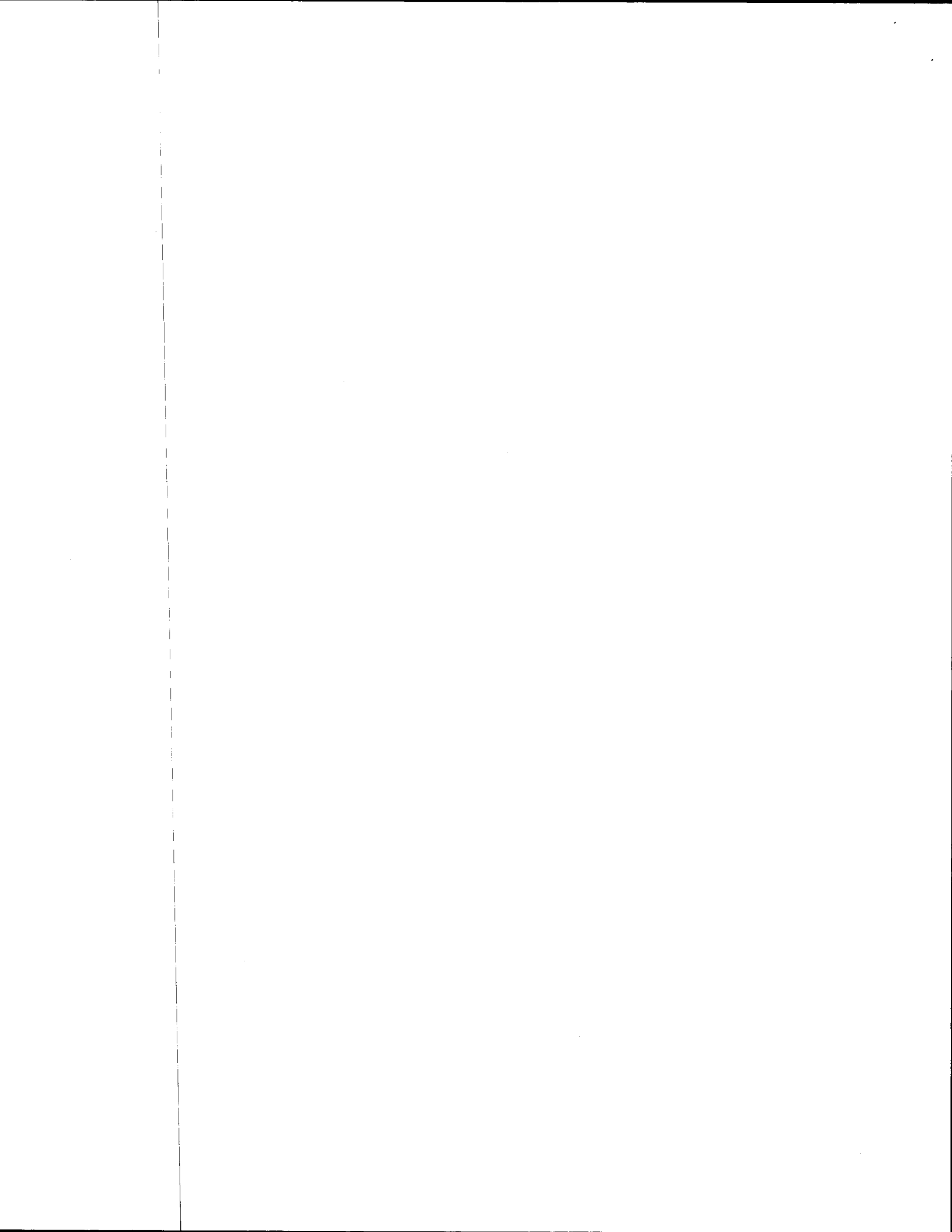
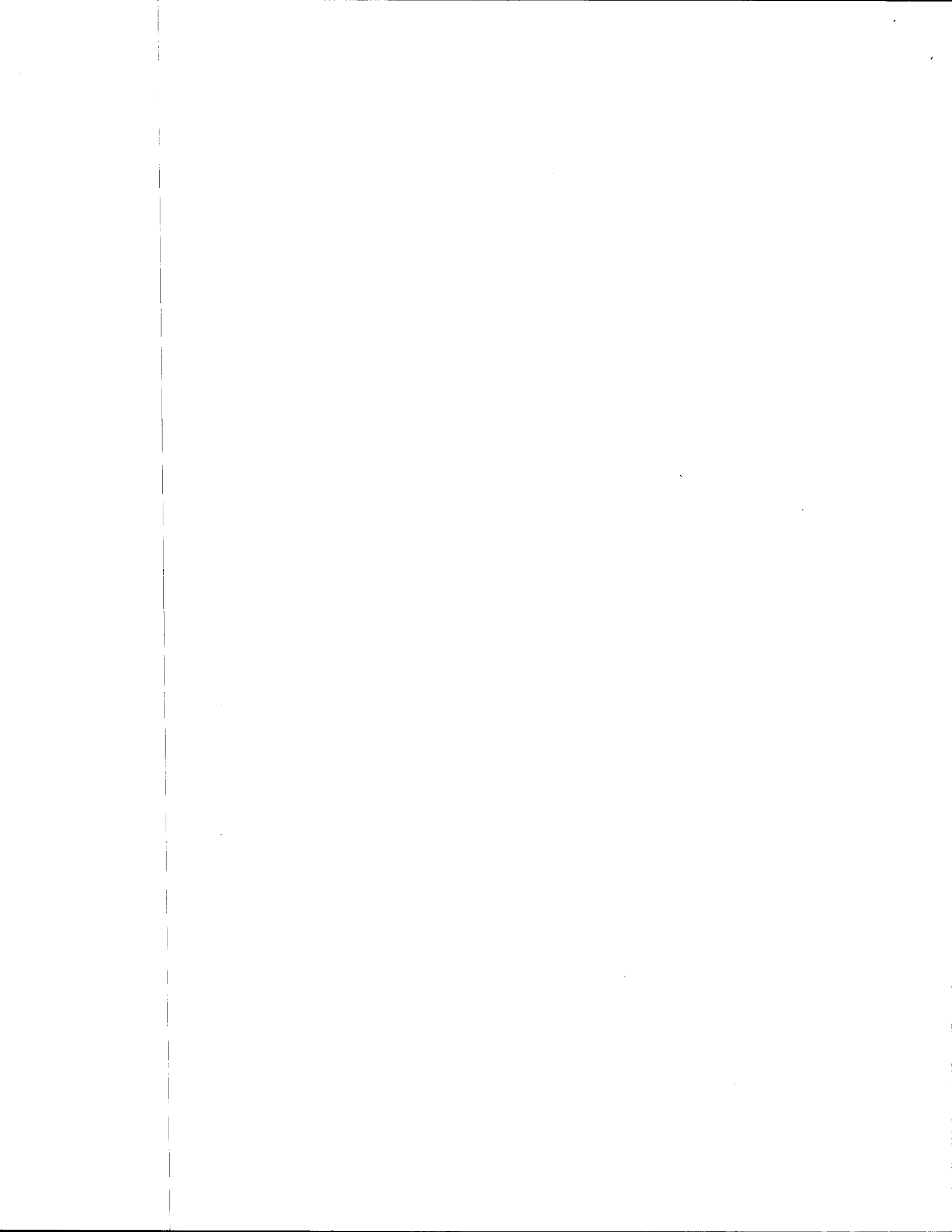


Exhibit A

Accusation No. 2010-8



1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 KAREN R. DENVIR, State Bar No. 197268
Deputy Attorney General
4 1300 J Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-5333
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-8

13 BEVERLY ANN RICHARDS
14 1740 Charm Way
15 Sacramento, CA 95835

ACCUSATION

16 Registered Nurse License No. 301801

Respondent.

17 Complainant alleges:

PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
20 ("Board"), Department of Consumer Affairs.

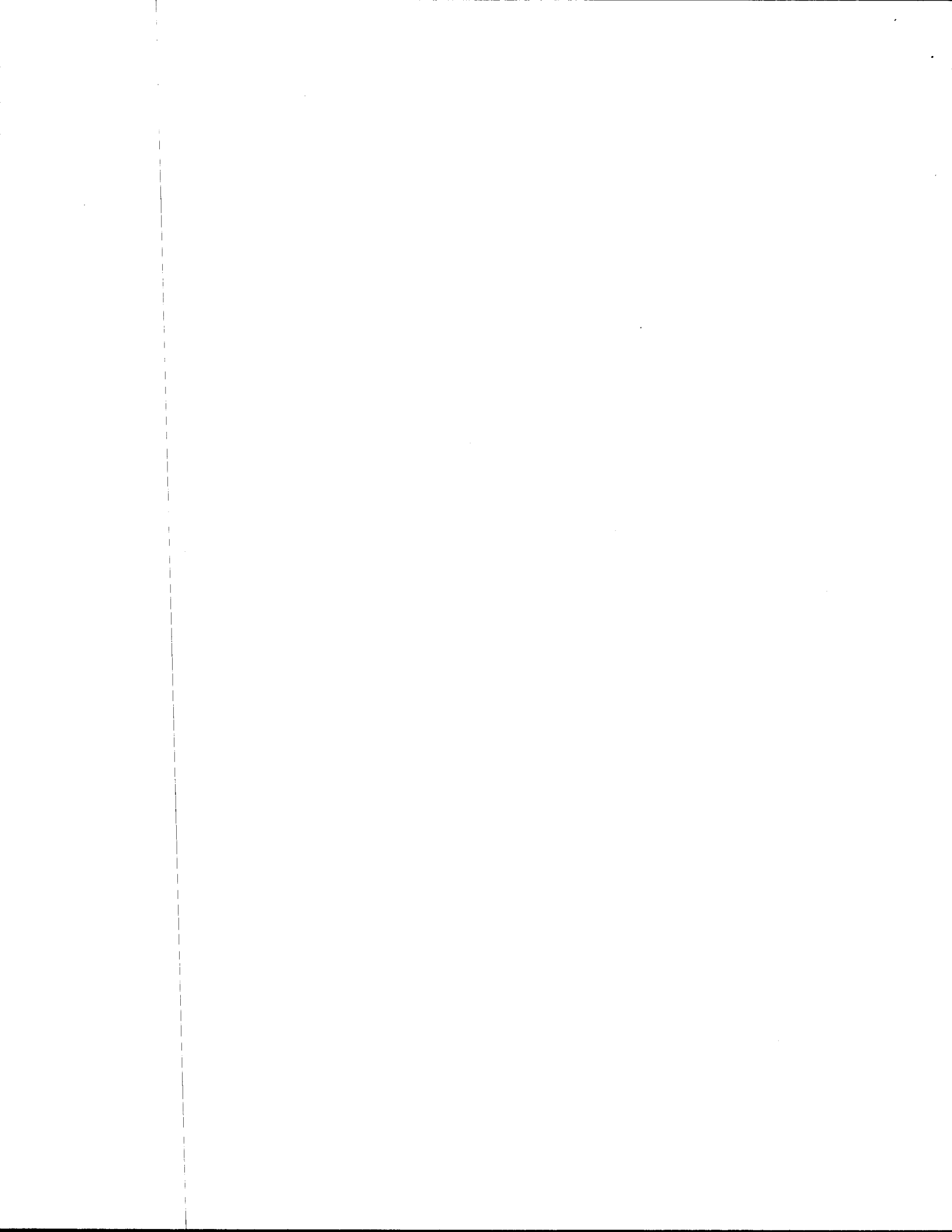
21 2. On or about March 31, 1979, the Board issued Registered Nurse License
22 Number 301801 to Beverly Ann Richards ("Respondent"). Respondent's Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on June 30, 2010, unless renewed.

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STATUTORY PROVISIONS

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3. Business and Professions Code ("Code") section 2750 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.

4. Code section 2764 provides, in pertinent 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. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

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. . .

6. Code section 2762 states, in pertinent part:

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

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, 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.

....

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

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1 7. California Code of Regulations, title 16, section ("Regulation") 1442
2 states:

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

7 8. Regulation 1443 states:

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

11 COST RECOVERY

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

16 DANGEROUS DRUG AT ISSUE

17 10. "Heparin" is a dangerous drug within the meaning of Code section 4022 in
18 that it is available by prescription only.

19 FIRST CAUSE FOR DISCIPLINE

20 (Gross Negligence)

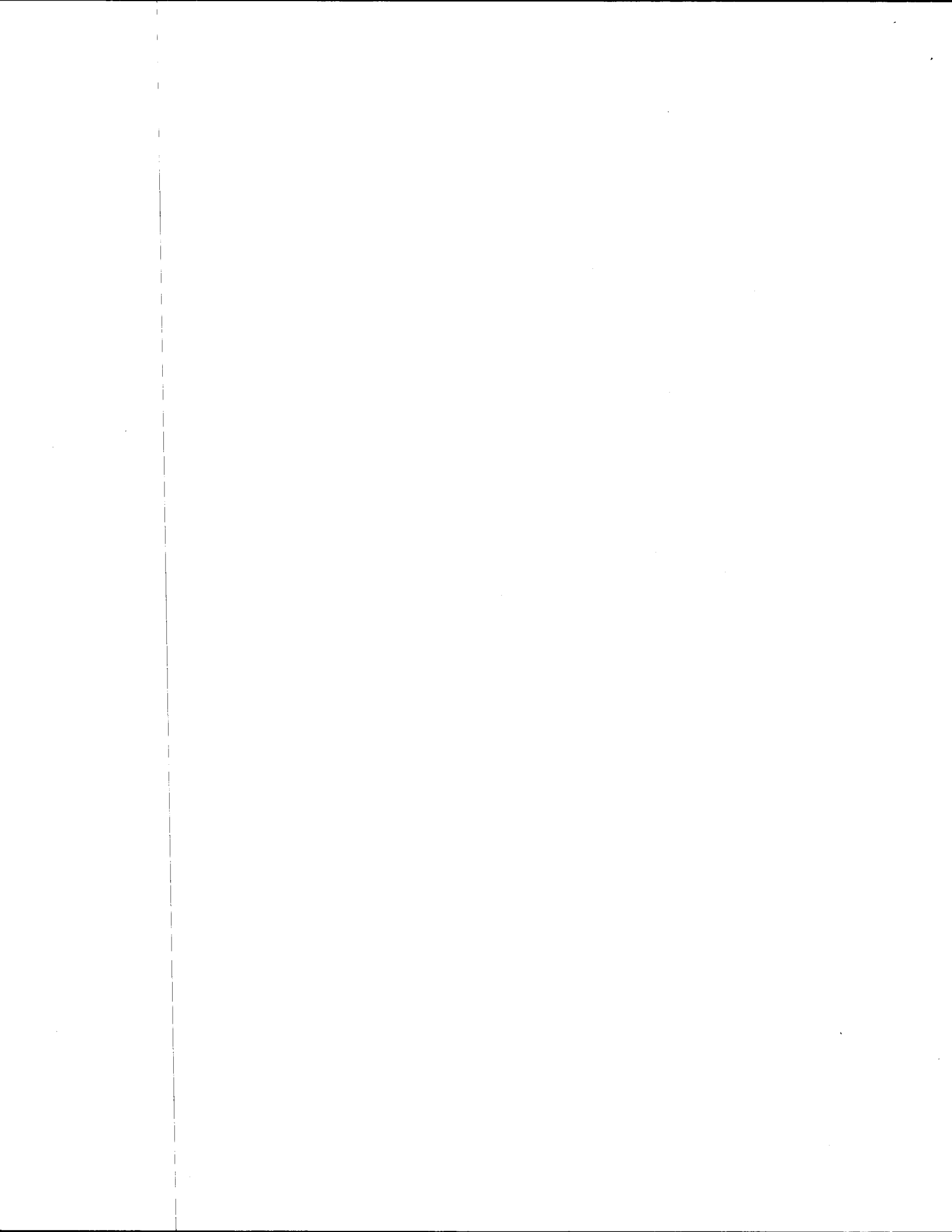
21 11. At all times herein mentioned, Respondent was employed as a registered
22 nurse in the Medical/Surgical Unit ("MSU") of Kaiser Permanente Hospital ("KPH") in
23 Sacramento, California. On January 6, 2007, Respondent was working the day shift from 7 a.m.
24 to 3 p.m.

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1 12. On January 5, 2007, at approximately 2350 hours, patient J.U. had pulled
2 out his Dobhoff feeding tube ("tube")^{1/}. Patient J.U.'s physician was contacted by registered
3 nurse E.M., who was instructed to reinsert the tube and then have an x-ray taken to verify proper
4 placement in the stomach. The tube was reinserted by E.M., but she was unable to have the x-ray
5 completed as the x-ray technicians were too busy in other departments. At 0520 hours, E.M.
6 documented in patient J.U.'s chart that the feeding tube placement verification still had not
7 occurred.

8 13. On January 6, 2007, Respondent was assigned to the care of patient J.U.
9 Respondent reviewed patient J.U.'s Kardex (a worksheet for tasks) in order to assess his
10 condition. Respondent subsequently restarted patient J.U.'s tube feeding without verification of
11 the tube's placement. In addition, Respondent documented in patient J.U.'s Medication
12 Administration Record ("MAR") that she had administered 0.5 ml of Heparin to patient J.U. at
13 0900 hours; however the Pyxis (a computerized medication system) indicated that she had not
14 withdrawn the medication until 1231 hours. Further, Respondent documented in patient J.U.'s
15 MAR that she had administered 20 mg of Pepcid at 0900 hours and 5 ml of multivitamin at 1200
16 hours when, in fact, the medications had never been removed from the Pyxis.

17 14. On January 6, 2007, at 0910 hours, patient J.U.'s portable AP supine x-ray
18 revealed that the tube was malpositioned down the right mainstem bronchus into the right lung.

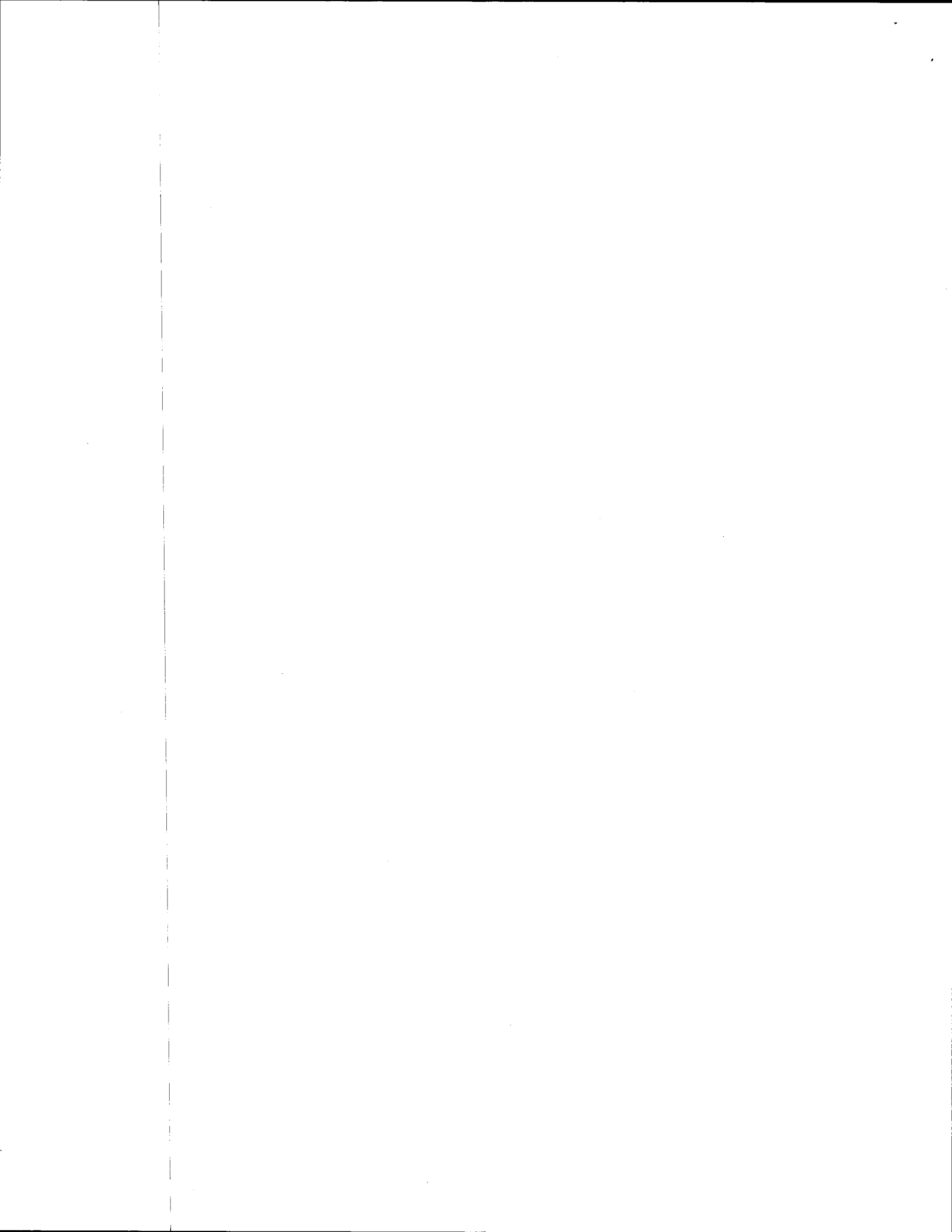
19 15. Respondent is subject to disciplinary action pursuant to Code section
20 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about January 6,
21 2007, while on duty as a registered nurse in the MSU of KPH, Respondent was guilty of gross
22 negligence, within the meaning of Regulation 1442, as follows:

23 a. Respondent initiated patient J.U.'s tube feeding without confirming that
24 the x-ray to check for proper placement of the tube had been completed.

25 ///

26 _____

27 1. A Dobhoff feeding tube is used to give fluids, food, and medicine to patients who cannot take them by
28 mouth. The tube is placed through the patient's nose and into the stomach. An x-ray is taken to confirm that the
tube is in the stomach.



1 b. Respondent based her nursing actions for patient J.U. solely on patient
2 J.U.'s Kardex, rather than completing a comprehensive assessment of patient J.U.'s condition.

3 SECOND CAUSE FOR DISCIPLINE

4 (Incompetence)

5 16. Respondent is subject to disciplinary action pursuant to Code section
6 2761, subdivision (a)(1), on the grounds of unprofessional conduct. On or about January 6,
7 2007, Respondent was guilty of incompetence, within the meaning of Regulation 1443, as
8 follows:

9 a. Respondent documented in patient J.U.'s MAR that she had administered
10 0.5 ml of Heparin to patient J.U. at 0900 hours when, in fact, the medication had not been
11 withdrawn from the Pyxis until 1231 hours.

12 b. Respondent documented in patient J.U.'s MAR that she had administered
13 20 mg of Pepcid at 0900 hours and 5 ml of multivitamin at 1200 hours when, in fact, the
14 medications had never been removed from the Pyxis.

15 THIRD CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct)

17 17. Respondent is subject to disciplinary action pursuant to Code section
18 2761, subdivision (a), in that on or about January 6, 2007, she committed acts constituting
19 unprofessional conduct, as set forth in subparagraphs 14(a) and (b) and 15(a) and (b), above.

20 FOURTH CAUSE FOR DISCIPLINE

21 (False Entries in Hospital/Patient Records)

22 18. Respondent is subject to disciplinary action pursuant to Code section
23 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
24 2762, subdivision (e), in that on or about January 6, 2007, she falsified, or made grossly
25 incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other records
26 pertaining to the dangerous drug Heparin, as follows: Complainant incorporates by reference as
27 though fully set forth herein the allegations contained in subparagraph 15(a), above.

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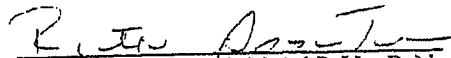


PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 301801, issued to Beverly Ann Richards;
2. Ordering Beverly Ann Richards to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 7/8/09


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

