



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 646348	§	
issued to DEBORAH CARR	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DEBORAH CARR, Registered Nurse License Number 646348, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 29, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent holds a license to practice professional nursing in the State of Texas which is in delinquent status.
4. Respondent received a Baccalaureate Degree in Nursing from Johns Hopkins University, Baltimore, Maryland, on May 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on November 7, 1997.
5. Respondent's complete professional nursing employment history is unknown.

6. On or about December 3, 2010, Respondent's license to practice as a Registered Nurse in the State of California was REVOKED, with the revocation STAYED, and Respondent was placed on PROBATION for a period of three (3) years, with conditions, by the California Board of Registered Nursing, Department of Consumer Affairs, Sacramento, California. A copy of the Stipulated Settlement and Disciplinary Order, dated December 3, 2010, is attached and incorporated, by reference, as part of this order.

7. In response to Finding of Fact Number Six (6), Respondent states:

"I worked as a travel nurse in Houston, Texas for thirteen weeks. This assignment was over twelve years ago. I have never been disciplined at work in any state, and I was never convicted of any crimes while residing in Texas.

I am currently on three years probation by the Board of Registered Nursing, Department of Consumer Affairs, for a second misdemeanor DUI that occurred in March of 2007.

At this time I have no future plans to seek employment as a nurse in Texas.

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 violation of Section 301.452(b)(8), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 646348, heretofore issued to DEBORAH CARR, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 646348, previously issued to DEBORAH CARR, to practice professional nursing in Texas is hereby SUSPENDED with the suspension STAYED and Respondent is hereby placed on PROBATION with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this order the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

(2) RESPONDENT SHALL fully comply with all the terms and conditions of the Order of the Board issued to Respondent on December 3, 2010, by the California Board of Registered Nursing. RESPONDENT SHALL CAUSE the California Board of Registered Nursing to submit quarterly reports, on forms provided by the Texas Board of Nursing, that Respondent is in compliance with the Order of the Board, and RESPONDENT SHALL cause the California Board of Registered Nursing to submit written verification of Respondent's successful completion of that Order. Evidence of compliance/completion with the terms of the Order of the California State Board of Registered Nursing will be accepted as evidence of compliance/completion of the terms of this Order issued by the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that if during the period of probation,

an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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WV #646347

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21 day of September, 2012.

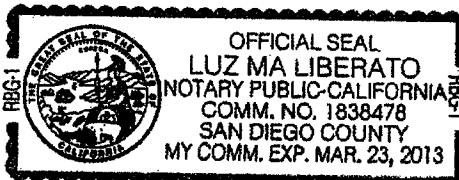
Deborah Carr
DEBORAH CARR, Respondent

Sworn to and subscribed before me this 21ST day of SEPT, 2012.

SEAL

Lu Ma Liberato

Notary Public in and for the State of 3-23-2013



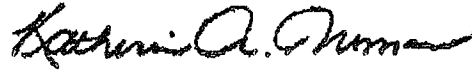
State of California
County of San Diego

Subscribed and sworn to (or affirmed) before me this 21ST day of SEPT, 2012, by Deborah Carr, prove^d to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Lu Ma Liberato
Signature _____ (Seal).

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 21st day of September, 2012, by DEBORAH CARR, Registered Nurse License Number 646348, and said Order is final.

Effective this 18th day of October, 2012.



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

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

In the Matter of the Accusation Against:

DEBORAH CARR
1527 First Street Apt U108
San Diego, CA 92118

Registered Nurse License No. 551553

Respondent

Case No. 2010-418

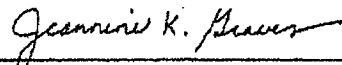
OAH No. 2010040038

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 December 3, 2010.

IT IS SO ORDERED November 3, 2010.



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

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12
13 **DEBORAH CARR, RN**
1527 First Street, Apt. U108
14 San Diego, CA 92118
15 Registered Nurse License No. 551553
16 Respondent.

Case No. 2010-418
OAH No. 2010040038
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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 Desiree I. Kellogg, Deputy Attorney General.

25 2. Respondent Deborah Carr, RN (Respondent) is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.
27
28

1 3. On or about February 2, 1999, the Board of Registered Nursing issued Registered
2 Nurse License No. 551553 to Deborah Carr, RN (Respondent). The Registered Nurse License
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 2010-
4 418 and will expire on February 28, 2011, unless renewed.

5 JURISDICTION

6 4. Accusation No. 2010-418 was filed before the Board of Registered Nursing (Board),
7 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
8 and all other statutorily required documents were properly served on Respondent on March 8,
9 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
10 Accusation No. 2010-418 is attached as exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 2010-418. Respondent has also carefully read, and understands the effects of this
14 Stipulated Settlement and Disciplinary Order.

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

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

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 2010-418.
27
28

1 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
2 agrees to be bound by the Board of Registered Nursing (Board)'s probationary terms as set forth
3 in the Disciplinary Order below.

4 CONTINGENCY

5 10. This stipulation shall be subject to approval by the Board of Registered Nursing.
6 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
7 Registered Nursing may communicate directly with the Board regarding this stipulation and
8 settlement, without notice to or participation by Respondent. By signing the stipulation,
9 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
10 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
11 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
12 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
13 between the parties, and the Board shall not be disqualified from further action by having
14 considered this matter.

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

18 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
19 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
20 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
21 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
22 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
23 writing executed by an authorized representative of each of the parties.

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

26 Disciplinary Order:
27
28

1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Registered Nurse License No. 551553 issued to
3 Respondent Deborah Carr, RN (Respondent) is revoked. However, the revocation is stayed and
4 Respondent is placed on probation for three (3) years on the following terms and conditions.

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

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

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

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

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

26 3. **Report in Person.** Respondent, during the period of probation, shall
27 appear in person at interviews/meetings as directed by the Board or its designated representatives.
28

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

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

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

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

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

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

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

28 If Respondent has not complied with this condition during the probationary term, and

1 Respondent has presented sufficient documentation of her good faith efforts to comply with this
2 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
3 extension of Respondent's probation period up to one year without further hearing in order to
4 comply with this condition. During the one year extension, all original conditions of probation
5 shall apply.

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

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

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

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

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

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

28 (a) Maximum - The individual providing supervision and/or collaboration is present in

1 the patient care area or in any other work setting at all times.

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

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

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

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

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

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

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

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

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

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

4 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
5 Respondent shall submit to the Board the original transcripts or certificates of completion for the
6 above required course(s). The Board shall return the original documents to Respondent after
7 photocopying them for its records.

8 11. Cost Recovery. Respondent shall pay to the Board costs associated with
9 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of \$2,295.00. Respondent shall be permitted to pay these costs in a payment plan
11 approved by the Board, with payments to be completed no later than three months prior to the end
12 of the probation term.

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

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

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

27 13. License Surrender. During Respondent's term of probation, if she ceases
28 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of

1 probation, Respondent may surrender her license to the Board. The Board reserves the right to
2 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
3 take any other action deemed appropriate and reasonable under the circumstances, without further
4 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
5 longer be subject to the conditions of probation.

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

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

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

13 14. Physical Examination. Within 45 days of the effective date of this
14 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
15 physician assistant, who is approved by the Board before the assessment is performed, submit an
16 assessment of the Respondent's physical condition and capability to perform the duties of a
17 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
18 medically determined, a recommended treatment program will be instituted and followed by the
19 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
20 to the Board on forms provided by the Board.

21 If Respondent is determined to be unable to practice safely as a registered nurse, the
22 licensed physician, nurse practitioner, or physician assistant making this determination shall
23 immediately notify the Board and Respondent by telephone, and the Board shall request that the
24 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
25 immediately cease practice and shall not resume practice until notified by the Board. During this
26 period of suspension, Respondent shall not engage in any practice for which a license issued by
27 the Board is required until the Board has notified Respondent that a medical determination
28 permits Respondent to resume practice. This period of suspension will not apply to the reduction

1 of this probationary time period.

2 If Respondent fails to have the above assessment submitted to the Board within the 45-day
3 requirement, Respondent shall immediately cease practice and shall not resume practice until
4 notified by the Board. This period of suspension will not apply to the reduction of this
5 probationary time period. The Board may waive or postpone this suspension only if significant,
6 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
7 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
8 Only one such waiver or extension may be permitted.

9 15. Participate in Treatment/Rehabilitation Program for Chemical
10 Dependence. Respondent, at her expense, shall successfully complete during the probationary
11 period or shall have successfully completed prior to commencement of probation a Board-
12 approved treatment/rehabilitation program of at least six months duration. As required, reports
13 shall be submitted by the program on forms provided by the Board. If Respondent has not
14 completed a Board-approved treatment/rehabilitation program prior to commencement of
15 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
16 a program. If a program is not successfully completed within the first nine months of probation,
17 the Board shall consider Respondent in violation of probation.

18 Based on Board recommendation, each week Respondent shall be required to attend at least
19 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
20 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
21 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
22 added. Respondent shall submit dated and signed documentation confirming such attendance to
23 the Board during the entire period of probation. Respondent shall continue with the recovery plan
24 recommended by the treatment/rehabilitation program or a licensed mental health examiner
25 and/or other ongoing recovery groups.

26 16. Abstain from Use of Psychotropic (Mood-Altering) Drugs. Respondent
27 shall completely abstain from the possession, injection or consumption by any route of all
28 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when

1 the same are ordered by a health care professional legally authorized to do so as part of
2 documented medical treatment. Respondent shall have sent to the Board, in writing and within
3 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
4 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
5 medication will no longer be required, and the effect on the recovery plan, if appropriate.

6 Respondent shall identify for the Board a single physician, nurse practitioner or physician
7 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
8 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
9 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
10 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
11 considered addictive have been prescribed, the report shall identify a program for the time limited
12 use of any such substances.

13 The Board may require the single coordinating physician, nurse practitioner, or physician
14 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
15 medicine.

16 17. **Submit to Tests and Samples.** Respondent, at her expense, shall
17 participate in a random, biological fluid testing or a drug screening program which the Board
18 approves. The length of time and frequency will be subject to approval by the Board.

19 Respondent is responsible for keeping the Board informed of Respondent's current telephone
20 number at all times. Respondent shall also ensure that messages may be left at the telephone
21 number when she is not available and ensure that reports are submitted directly by the testing
22 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
23 to the Board by the program and Respondent shall be considered in violation of probation.

24 In addition, Respondent, at any time during the period of probation, shall fully cooperate
25 with the Board or any of its representatives, and shall, when requested, submit to such tests and
26 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
27 hypnotics, dangerous drugs, or other controlled substances.

28 If Respondent has a positive drug screen for any substance not legally authorized and not

1 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
2 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
3 practice pending the final decision on the petition to revoke probation or the accusation. This
4 period of suspension will not apply to the reduction of this probationary time period.

5 If Respondent fails to participate in a random, biological fluid testing or drug screening
6 program within the specified time frame, Respondent shall immediately cease practice and shall
7 not resume practice until notified by the Board. After taking into account documented evidence
8 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
9 suspend Respondent from practice pending the final decision on the petition to revoke probation
10 or the accusation. This period of suspension will not apply to the reduction of this probationary
11 time period.

12 18. Mental Health Examination. Respondent shall, within 45 days of the
13 effective date of this Decision, have a mental health examination including psychological testing
14 as appropriate to determine her capability to perform the duties of a registered nurse. The
15 examination will be performed by a psychiatrist, psychologist or other licensed mental health
16 practitioner approved by the Board. The examining mental health practitioner will submit a
17 written report of that assessment and recommendations to the Board. All costs are the
18 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
19 result of the mental health examination will be instituted and followed by Respondent.

20 If Respondent is determined to be unable to practice safely as a registered nurse, the
21 licensed mental health care practitioner making this determination shall immediately notify the
22 Board and Respondent by telephone, and the Board shall request that the Attorney General's
23 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
24 practice and may not resume practice until notified by the Board. During this period of
25 suspension, Respondent shall not engage in any practice for which a license issued by the Board
26 is required, until the Board has notified Respondent that a mental health determination permits
27 Respondent to resume practice. This period of suspension will not apply to the reduction of this
28 probationary time period.

1 If Respondent fails to have the above assessment submitted to the Board within the 45-day
 2 requirement, Respondent shall immediately cease practice and shall not resume practice until
 3 notified by the Board. This period of suspension will not apply to the reduction of this
 4 probationary time period. The Board may waive or postpone this suspension only if significant,
 5 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
 6 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
 7 Only one such waiver or extension may be permitted.

8 19. 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 ACCEPTANCE

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

17
 18 DATED: 9/16/10 Deborah Carr, RN
 19 DEBORAH CARR, RN
 20 Respondent
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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: 9/15/10

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General



DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2010-418

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
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6 San Diego, CA 92186-5266
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2010-418

12 DEBORAH CARR, RN
1527 First Street, Apt. U108
13 San Diego, CA 92118

ACCUSATION

14 Registered Nurse License No. 551553

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 Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about February 2, 1999, the Board of Registered Nursing issued Registered
23 Nurse License Number 551553 to Deborah Carr, RN (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 February 28, 2011, 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 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.

STATUTORY PROVISIONS AND REGULATIONS

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:

"...

"(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.

"...."

7. Section 2762 of the Code states:

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

1 public or to the extent that such use impairs his or her ability to conduct with safety
2 to the public the practice authorized by his or her license.

3 (c) Be convicted of a criminal offense involving the prescription,
4 consumption, or self-administration of any of the substances described in
5 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
6 record pertaining to, the substances described in subdivision (a) of this section, in
7 which event the record of conviction is conclusive evidence thereof...

8 8. Section 2765 provides:

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

20 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
21 revoke a license on the ground that the licensee has been convicted of a crime substantially
22 related to the qualifications, functions, or duties of the business or profession for which the
23 license was issued.

24 10. Section 493 of the Code states:

25 Notwithstanding any other provision of law, in a proceeding conducted by a
26 board within the department pursuant to law to deny an application for a license or
27 to suspend or revoke a license or otherwise take disciplinary action against a person
28 who holds a license, upon the ground that the applicant or the licensee has been
convicted of a crime substantially related to the qualifications, functions, and duties
of the licensee in question, the record of conviction of the crime shall be conclusive
evidence of the fact that the conviction occurred, but only of that fact, and the board
may inquire into the circumstances surrounding the commission of the crime in
order to fix the degree of discipline or to determine if the conviction is substantially
related to the qualifications, functions, and duties of the licensee in question.

As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
'registration.'

11. California Code of Regulations, title 16, section 1444, states:

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....

///

1 12. Section 482 of the Code states:

2 "Each board under the provisions of this code shall develop criteria to evaluate the
3 rehabilitation of a person when:

4 "(a) Considering the denial of a license by the board under Section 480; or

5 "(b) Considering suspension or revocation of a license under Section 490.

6 "Each board shall take into account all competent evidence of rehabilitation furnished by
7 the applicant or licensee."

8 13. Title 16, California Code of Regulations section 1445, subdivision (b), provides the
9 following criteria for evaluating the rehabilitation of a licensee as follows:

10 (b) When considering the suspension or revocation of a license on the
11 grounds that a registered nurse has been convicted of a crime, the Board, in
12 evaluating the rehabilitation of such person and his/her eligibility for a license will
13 consider the following criteria:

13 (1) Nature and severity of the act(s) or offense(s).

14 (2) Total criminal record.

14 (3) The time that has elapsed since commission of the act(s) or offense(s).

15 (4) Whether the licensee has complied with any terms of parole, probation,
16 restitution or any other sanctions lawfully imposed against the licensee.

16 (5) If applicable, evidence of expungement proceedings pursuant to

16 ~~Section 1203.4 of the Penal Code.~~

17 (6) Evidence, if any, of rehabilitation submitted by the licensee.

18 COST RECOVERY

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

23 FIRST CAUSE FOR DISCIPLINE

24 (December 5, 2002 Conviction of DUI on July 6, 2002)

25 15. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) for
26 conviction of a crime that is substantially related to the qualifications, functions and duties of a
27 registered nurse in that on December 5, 2002 in *The People of the State of California v. Deborah*
28

1 Carr, San Diego Superior Court Case No. M870056, Respondent was convicted on her plea of
2 nolo contendere of driving under the influence of alcohol with a blood alcohol content of 0.08%
3 or greater, a violation of Vehicle Code section 23152(b).

4 16. As a result of her conviction, Respondent was sentenced to 180 days in custody,
5 sentence suspended for 5 years, required to pay fines and fees of \$1,373, required to attend and
6 complete a MADD program and had her driving privilege restricted for 90 days.

7 SECOND CAUSE FOR DISCIPLINE

8 (July 12, 2007 Conviction of DUI on March 10, 2007)

9 17. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) for
10 conviction of a crime that is substantially related to the qualifications, functions and duties of a
11 registered nurse in that on July 12, 2007 in *The People of the State of California v. Deborah Carr*,
12 San Diego Superior Court Case No. M016363, Respondent was convicted on her plea of nolo
13 contendere of driving under the influence of alcohol with a blood alcohol content of 0.08% or
14 greater, a violation of Vehicle Code section 23152(b). The circumstances are as follows.

15 18. On March 10, 2007, Officer L. of the San Diego Police Department responded to a
16 call of a female driver whose vehicle was stuck on railroad tracks on Harbor Drive. When he
17 arrived, Officer C. was at the scene and a silver Honda Civic was on the train tracks with one
18 wheel elevated between the tracks and the right front wheel buried in the gravel. The officers
19 were unable to remove the vehicle from the tracks. When Officer L. made contact with
20 Respondent to ask how her vehicle got stuck on the tracks, Officer L. detected the odor of alcohol
21 from Respondent. She admitted to having consumed two beers. Respondent fell after she was
22 directed to walk to the front of Officer C.'s vehicle. She failed field sobriety tests. Respondent
23 consented to a blood test, which resulted in a blood alcohol content of 0.21%.

24 19. As a result of her conviction, Respondent was placed on probation for 5 years,
25 ordered to serve 96 hours in custody, ordered to participate in a public service work program for
26 10 days and required to pay \$2,162 in fines and fees.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct on March 10, 2007)

3 20. Respondent is subject to disciplinary action under Code section 2761(a) for
4 unprofessional conduct in that on March 10, 2007 Respondent drove her vehicle over train tracks
5 while under the influence of alcohol and was unable to remove her vehicle from the tracks as
6 more fully set forth in the Second Cause for Discipline and incorporated by this reference as
7 though set forth in full herein.

8 FOURTH CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct-Use of Alcoholic Beverage in a Dangerous Manner)

10 21. Respondent is subject to disciplinary action under Code section 2762(b) for
11 unprofessional conduct in that on March 10, 2007 Respondent used an alcoholic beverage to an
12 extent or in a manner that was dangerous or injurious to herself or the public when she drove her
13 vehicle over train tracks while under the influence of alcohol and was unable to remove her
14 vehicle from the tracks, as more fully set forth in the Second Cause for Discipline and
15 incorporated by this reference as though set forth in full herein. These acts caused a serious risk
16 of harm to Respondent and members of the public and constitute unprofessional conduct.

17 FIFTH CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct-Convictions Regarding Use of Alcoholic Beverage)

19 22. Respondent is subject to disciplinary action under Code section 2762(c) for
20 unprofessional conduct in being convicted of criminal offenses involving the consumption of
21 alcoholic beverages in that on December 5, 2002 in *The People of the State of California v.*
22 *Deborah Carr*, San Diego Superior Court Case No. M870056 and on July 12, 2007 in *The People*
23 *of the State of California v. Deborah Carr*, San Diego Superior Court Case No. M016363,
24 Respondent was convicted of driving under the influence of alcohol with a blood alcohol content
25 of greater than 0.08%.

26 PRAYER

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

- 1 1. Revoking or suspending Registered Nurse Number 551553, issued to Deborah Carr,
- 2 RN;
- 3 2. Ordering Deborah Carr to pay the Board of Registered Nursing the reasonable costs
- 4 of the investigation and enforcement of this case, pursuant to Business and Professions Code
- 5 section 125.3;
- 6 3. Taking such other and further action as deemed necessary and proper.
- 7
- 8

9 DATED: 3/8/10 for Stacie Benson
10 LOUISE R. BAILEY, M.ED., RN
11 Interim Executive Officer
12 Board of Registered Nursing
13 Department of Consumer Affairs
14 State of California
15 Complainant

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