#### BEFORE THE TEXAS BOARD OF NURSING



In the Matter of \$
Registered Nurse License Number 504333 \$
issued to YASMIN RENEE' HEYMAN \$

# ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 504333, issued to YASMIN RENEE' HEYMAN, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

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

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

#### **FINDINGS OF FACT**

- 1. Respondent's license to practice professional nursing in the State of Texas is currently in delinquent status.
- 2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
- 3. Respondent received an Associate Degree in Nursing from Los Angeles Southwest College, Los Angeles, California, on June 19, 2982. Respondent was licensed to practice professional nursing in the State of Texas on March 2, 1983.
- 4. Respondent's complete professional nursing employment history is unknown.
- 5. On or about March 28, 2014, Respondent's registered nurse license and nurse advanced certification were issued the sanction of a Probated Revocation by the California Board of Registered Nursing, Sacramento, California. A copy of the Decision and Order effective March 28, 2014, is attached and incorporated, by reference, as part of this Order.

/504333/0:101

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accurate, and true copy of the docume is on file or is of record in the offices of Texas Board of Nursing.

\*\*Executive Director of the Board\*\*

Executive Director of the Board\*\*

6. On June 10, 2014, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated June 3, 2014, is attached and incorporated herein by reference as part of this Order.

#### **CONCLUSIONS OF LAW**

- 1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
- 2. Notice was served in accordance with law.
- 3. The evidence received is sufficient cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 504333, heretofore issued to YASMIN RENEE' HEYMAN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
- 4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
- 5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
- 6. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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#### **ORDER**

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 504333, heretofore issued to YASMIN RENEE' HEYMAN, to practice nursing in the State of Texas, is/are accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

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

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

Effective this 10th day of June, 2014.

TEXAS BOARD OF NURSING

By:

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

of said Board

To: Paul Longoria This letter is in response RN license from 1982-1984. I've been placed on probation due to actions my past on my California RN likense. id like to voluntarrily surrender my Texas license which has been inactive for 30 yrs, at this time Thank You Yasmin R. Helyman 4815 W. 120th St. Hawthorns, Calgozso Wasmi R. Heyman See Attached 6 06 07.2014 NOTARIZED GERT

# CALIFORNIA JURAT WITH AFFIANT STATEMENT GOVERNMENT CODE

**GOVERNMENT CODE § 8202** 

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4	
Signature of Document Signer No. 1	Signature of Description
	Signature of Document Signer No. 2 (if any)
State of California	Subscribed and sworn to (or affirmed) before m
County of LOS ANGELES	on this On day of Jove, 2014
	by Massard P. March
	(1) YHOMIN R. HEYMAN  Name of Signer
Sammanananananananananananananananananan	proved to me on the basis of satisfactory evidence
CHARNAE SHALICE ROBERTSON Commission # 1930312	to be the person who appeared before me (.)
Notary Public - California Los Angeles County	(2)
My Comm. Expires Mar 26, 2015	Name of Signer
anninate.	proved to me on the basis of satisfactory evidence to be the person who appeared before me.)
	Signature
Place Notary Seal Above	Signature of Notary Public
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# BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

YASMIN RENEE HEYMAN Aka YASMIN RENEE BATTLE 4815 W 120<sup>th</sup> St Hawthorne, CA 90250

Registered Nurse License No. 347842 Public Health Nurse Certificate No. 45594

Respondent

Case No. 2012-559

OAH No. 2012110900

#### **DECISION AND ORDER**

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

This Decision shall become effective on March 28, 2014.

IT IS SO ORDERED February 26, 2014.

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

REGISTERED NURSING PROGRAM

Louise R. Bailey, M. ED., RN



Raymond Mallel, President Board of Registered Nursing Department of Consumer Affairs State of California

1	KAMALA D. HARRIS		
2	Attorney General of California KAREN B. CHAPPELLE		
,	Supervising Deputy Attorney General	v ,	
3	SYDNEY M. MEHRINGER Deputy Attorney General		
4	State Bar No. 245282		
5	300 So. Spring Street, Suite 1702		
	Los Angeles, CA 90013 Telephone: (213) 897-2537		
6	Facsimile: (213) 897-2804		
. 7	Attorneys for Complainant	•	
ο.	BEFORE THE		
8	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS		
9	STATE OF C	CALIFORNIA	
10		7	
	In the Matter of the Accusation Against:	Case No. 2012-559	
1.1	YASMIN RENEE HEYMAN AKA		
12	YASMIN RENEE BATTLE	OAH No. 2012110900	
13	4815 W. 120th St Hawthorne, CA 90250	STIPULATED SETTLEMENT AND	
	Registered Nurse License No. 347842	DISCIPLINARY ORDER	
14	Public Health Nurse Advanced Certification No. PHN 45594		
15	110. FIII 45594		
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	<u>———</u>		
22	)		
	of Registered Nursing. She brought this action solely in her official capacity and is represented in		
23	this matter by Kamala D. Harris, Attorney General of the State of California, by Sydney M.		
24	Mehringer, Deputy Attorney General.		
25	2. Respondent Yasmin Renee Heyman aka Yasmin Renee Battle ("Respondent") is		
26	represented in this proceeding by attorney Lawrence Donahue, whose address is: 28924 South		
27	Western Avenue, Suite 205, Rancho Palos Verdes, CA 90275.		
28	1//		
- 1	1	•	

STIPULATED SETTLEMENT (2012-559)

- 3. On or about September 30, 1982, the Board of Registered Nursing issued Registered Nurse License No. 347842 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-559 and will expire on June 30, 2014, unless renewed.
- 4. On or about November 9, 1989, the Board of Registered Nursing issued Public Health Nurse Advanced Certification No. PHN 45594 to Respondent. The Public Health Nurse Advanced Certification was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-559 and will expire on June 30, 2014, unless renewed.

#### JURISDICTION

- 5. Accusation No. 2012-559 was filed before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 20, 2012. Respondent timely filed her Notice of Defense contesting the Accusation.
- 6. A copy of Accusation No. 2012-559 is attached as exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

- 7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-559. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 8. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

#### CULPABILITY

- Respondent admits the truth of each and every charge and allegation in Accusation
   No. 2012-559, with the exception of page 4, line 13.
- 11. Respondent agrees that her Registered Nurse License and Public Health Certificate are subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

#### **CONTINGENCY**

- 12. 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.
- 13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.
- 14. 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.

15. 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. 347842 and Public Health Nurse Advanced Certification No. PHN 45594 issued to Respondent Yasmin Renee Heyman aka Yasmin Renee Battle ("Respondent") are revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

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

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

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

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

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

- 3. Report in Person. Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.
- 4. Residency, Practice, or Licensure Outside of State. Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

following:

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

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

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

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

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

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

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

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

11. Cost Recovery. Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$3,700.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

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

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

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

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

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

- (1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
  - (2) One year for a license surrendered for a mental or physical illness.
- date of this decision, have a mental health examination including psychological testing as appropriate to determine his/her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the Respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the respondent. If Respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required,

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until the Board has notified respondent that a mental health determination permits respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

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

#### ACCEPTANCE

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

DATED: 12-4-13

BATTLE

Respondent

I have read and fully discussed with Respondent Yasmin Renee Heyman aka Yasmin Renee Battle the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

Laurence Donahue

Attorney for Respondent

#### ENDORSEMENT

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

Dated: December 4, 2013

Respectfully submitted,

KAMALA D. HARRIS Attorney General of California KAREN B. CHAPPELLE Supervising Deputy Attorney General

SYDNEY M. MEHRICHER Deputy Attorney General Attorneys for Complainant

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Exhibit A

Accusation No. 2012-559

	1 Kamala D. Harris	
	Attorney General of California  Cloria Barrios	
	Supervising Deputy Attorney General	
	3 KIMBERLEE D. KING Deputy Attorney General	
	4    State Bar No. 141813	
;	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
	Telephone: (213) 897-2581 Facsimile: (213) 897-2804	
	Attorneys for Complainme	
	7	
8	II BERORETHE	
. 9	BOARD OF REGISTERED NURSING	
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11	In the Matter of the Accusation Against: Case No. 2012-559	
12	YASMIN RENEE HEYMAN	
13	aka YASMIN RENEE BATTLE 4815 W. 120th St	
14	Hewthorne CA 90250	
	Registered Nurse License No. 347842	
15	Public Health Nurse Certificate No. PHN 45594	
16		
17	Respondent.	
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19	Complainant alleges:	
20	PARTIES	
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: 22	build, Ni (Complainant) brings this Accusation solely in her	
	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department	
23	of Consumer Affairs (Board).	
24	Registered Nurse License	
25	2. On or about September 30, 1982, the Board issued Registered Nurse License	
26	No. 347842 to Yasmin Renee Hearmen else Wasmin To The Transport of the Property of the Propert	
27	No. 347842 to Yasmin Renee Heyman aka Yasmin Renee Battle (Respondent). The Registered	
28	Nurse License was in full force and effect at all times relevant to the charges brought herein and	
	will expire on June 30, 2012, unless renewed.	

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This Accusation is brought before the Board under the authority of the following
 laws. All section references are to the Business and Professions Code unless otherwise indicated.

**JURISDICTION** 

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### STATUTORY PROVISIONS

1.1 12 5. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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6. Section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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7. Section 2750 provides 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,

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8. Section 2761 states, in pertinent part;

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"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:

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22.

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

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"(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. . . ."

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 9. Section 2764 provides 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 section 2811, subdivision (b), the Board may renew an expired license at any time within eight (8) years after the expiration.

#### REGULATORY PROVISION

10. California Code of Regulations, title 16, section 1444 states, in pertinent part:

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

"(a) Assaultive or abusive conduct ...."

#### **COST RECOVERY**

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

#### FIRST CAUSE FOR DISCIPLINE

# (Convictions of Substantially Related Crimes)

- 12. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a registered nurse which to a substantial degree evidence her present or potential unfitness to practice in a manner consistent with the public health, safety, or welfare, as follows:
- a. On or about April 5, 2005, after pleading guilty, Respondent was convicted of one misdemeanor count of violating Penal Code section 148.9(a) [false identification to peace officer] in the criminal proceeding entitled *The People of the State of California v. Yasmin Renee Heyman* (Super. Ct. Los Angeles County, 2005, No. 5SB02560). The Court placed Respondent on two (2) years probation, and ordered her to complete eight (8) days of Cal Trans.

. 

- b. The circumstances underlying the conviction are that on or about April 4, 2005, Respondent represented to herself to police officers as that of another to evade being arrested on an outstanding arrest warrant for PC 273.5 and PC 417.
- c. On or about July 2, 2002, after pleading guilty, Respondent was convicted of two misdemeanor counts, Count 1, violating Penal Code section 273.5(a) [willful infliction of corporation injury on cohabitant/spouse], and Count 2, violating Penal Code section 417(a)(1) [use of a deadly weapon upon another] in the criminal proceeding entitled *The People of the State of California v. Yasmin Renee Heyman* (Super. Ct. Los Angeles County, 2002, No. 2SB04433). The Court sentenced Respondent to 27 days in jail, placed her on three (3) years probation, and ordered her to complete a 52-week batterer's program. On or about May 13, 2004, the Court sentenced Respondent to 10 days in jail for violating her terms of probation. The circumstances underlying the conviction are that on or about June 15, 2002, during a domestic dispute, Respondent brandished a kitchen knife toward her cohabitant/boyfriend, and while he was trying to stop her aggressive actions towards him, she bit him on his left wrist and upper arm, all in the presence of their son.

# SECOND CAUSE FOR DISCIPLINE

# (Unprofessional Conduct)

13. Respondent is subject to disciplinary action under section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 12, subparagraphs a and b, inclusive, as though set forth fully.

#### 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:

- Revoking or suspending Registered Nurse License No. 347842, issued to Yasmin Renee Heyman aka Yasmin Renee Battle;
- Revoking or suspending Public Health Nurse Certificate No. PHN 45594, issued to Yasmin Renee Heyman aka Yasmin Renee Battle;