

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

BOARD OF REGISTERED NURSING

*Louise R. Bailey, M.Ed., RN*  
Louise R. Bailey, M. ED., RN  
Executive Officer



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.  
*Stephanie P. Thomas*  
Executive Director of the Board

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

In the Matter of the Accusation Against:  
**PATRICIA LEE FRANKLIN**  
2122 N Rough Creek Ct  
Granbury, TX 76048  
**Registered Nurse License No. 424676**  
**RESPONDENT**

Case No. 2014-1461  
**DEFAULT DECISION AND ORDER**  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 23, 2014, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2014-1461 against Patricia Lee Franklin (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)
2. On or about April 30, 1988, the Board of Registered Nursing (Board) issued Registered Nurse License No. 424676 to Respondent. The Registered Nurse License expired on October 31, 2005, and has not been renewed.
3. On or about May 23, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2014-1461, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and/Title 16,

1 California Code of Regulation, section 1409.1, is required to be reported and maintained with the  
2 Board, which was and is:

3 2122 N Rough Creek Ct  
4 Granbury, TX 76048.

5 On or about June 17, 2014, Respondent was re-served by Certified and First Class Mail  
6 copies of the Accusation No. 2014-1461, Statement to Respondent, Notice of Defense, Request  
7 for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's  
8 alternate address retrieved from CLEAR (Consolidated Lead Evaluation and Reporting) as  
9 follows:

10 6331 Kelly Dr.  
11 Granbury, TX 76048.

12 On or about July 8, 2014, Respondent was re-served by Certified and First Class Mail  
13 copies of the Accusation No. 2014-1461, Statement to Respondent, Notice of Defense, Request  
14 for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's  
15 alternate address forwarded by U S Postal Service as follows:

16 3751 Action Hwy  
17 Granbury, TX 76049.

18 4. Service of the Accusation was effective as a matter of law under the provisions of  
19 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
20 124.

21 5. On or about June 16, 2014 and July 3, 2014, the aforementioned documents sent  
22 through the U.S. Postal Service were returned bearing the indicia "Return to Sender, Attempted -  
23 Not Known, Unclaimed, Unable to Forward." On or about July 7, 2014, the Domestic Return  
24 Receipt for the Accusation served by Certified mail addressed to respondent's alternate address  
25 retrieved from CLEAR was returned by U. S. Postal Service acknowledging receipt with a  
26 forwarding address as follows:

27 3751 Acton Hwy  
28 Granbury, TX 76049-7517.

1 On or about July 14, 2014, the domestic return receipt reflecting service of the  
2 aforementioned documents via Certified Mail to 3751 Acton Hwy, Granbury, TX 76049 was  
3 returned to the Board and was signed by Respondent.

4 6. Business and Professions Code section 2764 states:

5 The lapsing or suspension of a license by operation of law or by order or decision of  
6 the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive  
7 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding  
8 against such license, or to render a decision suspending or revoking such license.

9 7. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
11 notice of defense, and the notice shall be deemed a specific denial of all parts of the Accusation  
12 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's  
13 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

14 8. Respondent failed to file a Notice of Defense within 15 days after service of the  
15 Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation No.  
16 2014-1461.

17 9. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
19 agency may take action based upon the respondent's express admissions or upon other evidence  
20 and affidavits may be used as evidence without any notice to respondent.

21 10. Pursuant to its authority under Government Code section 11520, the Board finds  
22 Respondent is in default. The Board will take action without further hearing and, based on  
23 Accusation No. 2014-1461 and the documents contained in Default Decision Investigatory  
24 Evidence Packet in this matter which includes:

25 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation Case No. 2014-  
26 1461, Statement to Respondent, Notice of Defense (two blank copies),  
27 Request for Discovery and Discovery Statutes (Government Code sections  
28 11507.5, 11507.6 and 11507.7), proofs of service; and if applicable, mail  
receipt or copy of returned mail envelopes;

- 1 Exhibit 2: License History Certification for Patricia Lee Franklin, Registered Nurse
- 2 License No. 424676;
- 3 Exhibit 3: Out of State Discipline (Texas Board of Nursing);
- 4 Exhibit 4: Declaration of costs by Office of the Attorney General for prosecution of
- 5 Case No. 2014-1461.
- 6 Exhibit 5: List of possible addresses retrieved from CLEAR (Consolidated Lead
- 7 Evaluation and Reporting).

8 The Board finds that the charges and allegations in Accusation No. 2014-1461 are separately and  
9 severally true and correct by clear and convincing evidence.

10 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by  
11 the Office of the Attorney General contained in the Default Decision Investigatory Evidence  
12 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that  
13 the reasonable costs for Investigation and Enforcement in connection with the Accusation are  
14 \$542.50 as of September 22, 2014.

15 DETERMINATION OF ISSUES

16 1. Based on the foregoing findings of fact, Respondent Patricia Lee Franklin has  
17 subjected her following license(s) to discipline:

18 a. Registered Nurse License No. 424676

19 2. The agency has jurisdiction to adjudicate this case by default.

20 3. The Board of Registered Nursing is authorized to revoke Respondent's license(s)  
21 based upon the following violations alleged in the Accusation, which are supported by the  
22 evidence contained in the Default Decision Investigatory Evidence Packet in this case.

23 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary  
24 action by another State Board of Nursing.

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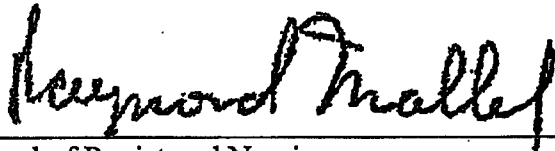
ORDER

IT IS SO ORDERED that Registered Nurse License No. 424676, heretofore issued to Respondent Patricia Lee Franklin, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 24, 2014

It is so ORDERED November 25, 2014



Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Attachment:

Exhibit A: Accusation No. 2014-1461

# Exhibit A

Accusation No. 2014-1461

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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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. 2014-1461

12 **PATRICIA LEE FRANKLIN**  
13 **2122 N. Rough Creek Ct.**  
14 **Granbury, TX 76048**

**ACCUSATION**

15 **Registered Nurse License No. 424676**

16 **Respondent.**

17  
18 **Complainant alleges:**

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about April 30, 1988, the Board of Registered Nursing issued Registered Nurse  
24 License Number 424676 to Patricia Lee Franklin (Respondent). The Registered Nurse License  
25 expired on October 31, 2005, and has not been 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. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

**STATUTORY PROVISIONS**

6. Section 2761 of the Code states:

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

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

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

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1 **COST RECOVERY**

2 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct - Discipline by Another Health Care Agency –**  
10 **Texas Board of Nursing)**

11 8. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), on  
12 the grounds of unprofessional conduct in that on December 10, 2013, Respondent was disciplined  
13 by the Texas Board of Nursing *In the Matter of Registered Nurse License Number 703921 issued*  
14 *to Patricia Lee Broadus* for violation of Texas Occupations Code sections 301.452, subsections  
15 (b)(10) (unprofessional or dishonorable conduct that in the board's opinion is likely to deceive,  
16 defraud or injure a patient or the public), and (b)(13) (failure to care adequately for a patient or to  
17 conform to the minimum standards of acceptable nursing practice in a manner that exposes a  
18 patient or other person unnecessarily to risk of harm). The circumstances are as follows:

19 a. On or about December 18, 2011, while employed as the Clinical Field Staff  
20 Supervisor with Encompass Home Health (Encompass), Granbury, Texas, Respondent falsely  
21 documented a physician's verbal order in the medical record of Patient Medical Record Number  
22 GRN00005253101. Instead of contacting the physician to report an exacerbation of Congestive  
23 Heart Failure (CHF), Respondent wrote an order to increase "Lasix and Potassium" without  
24 contacting the physician. Respondent's conduct resulted in an inaccurate medical record that was  
25 likely to deceive subsequent caregivers who relied on the information while providing care to the  
26 patient.

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