



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia A. 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:
KIMBERLY MARIE CRIPE
163 Epworth Hwy
Palmer Lake, CO 80133
Registered Nurse License No. 706183
RESPONDENT

Case No. 2014-1295
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 18, 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. 2014-1295 against Kimberly Marie Cripe (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)
2. On or about July 2, 2007, the Board of Registered Nursing (Board) issued Registered Nurse License No. 706183 to Respondent. The Registered Nurse License expired on November 30, 2008, and has not been renewed.
3. On or about April 18, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2014-1295, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's
2 address of record which, pursuant to Business and Professions Code section 136 and/Title 16,
3 California Code of Regulation, section 1409.1, is required to be reported and maintained with the
4 Board, which was and is:

5 163 Epworth Hwy
6 Palmer Lake, CO 80133.

7 On or about May 7, 2014, Respondent was re-served by Certified and First Class Mail
8 copies of the Accusation No. 2014-1295, Statement to Respondent, Notice of Defense, Request
9 for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's
10 alternate address as follows:

11 205 ½ S Main Street
12 Aberdeen, SD 57401.

13 4. Service of the Accusation was effective as a matter of law under the provisions of
14 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
15 124.

16 5. On or about May 6, 2014, the Certified Mail documents addressed to respondent's
17 address of record and sent through the U.S. Postal Service were returned bearing the indicia,
18 "Return to Sender, Insufficient Address, Unable to Forward." On or about May 29, 2014, the
19 signed Certified Mail Receipt addressed to respondent's alternate address was returned to our
20 office indicating a delivery.

21 6. Business and Professions Code section 2764 states:

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

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

27 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
28 notice of defense, and the notice shall be deemed a specific denial of all parts of the Accusation

1 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
2 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

3 8. Respondent failed to file a Notice of Defense within 15 days after service of the
4 Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation No.
5 2014-1295.

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

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

10 10. Pursuant to its authority under Government Code section 11520, the Board finds
11 Respondent is in default. The Board will take action without further hearing and, based on
12 Accusation No. 2014-1295 and the documents contained in Default Decision Investigatory
13 Evidence Packet in this matter which includes:

14 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation Case No. 2014-
15 1295, Statement to Respondent, Notice of Defense (two blank copies),
16 Request for Discovery and Discovery Statutes (Government Code sections
17 11507.5, 11507.6 and 11507.7), proofs of service; and if applicable, mail
18 receipt or copy of returned mail envelopes;

19 Exhibit 2: License History Certification for Kimberly Marie Cripe, Registered Nurse
20 License No. 706183;

21 Exhibit 3: Affidavit of Kami Pratab;

22 Exhibit 4: Out of State Discipline (Colorado, Texas and Washington Boards of
23 Nursing);

24 Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of
25 Case No. 2014-1295.

26 The Board finds that the charges and allegations in Accusation No. 2014-1295 are separately and
27 severally true and correct by clear and convincing evidence.

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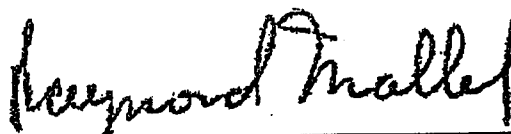
ORDER

1
2 IT IS SO ORDERED that Registered Nurse License No. 706183, heretofore issued to
3 Respondent Kimberly Marie Cripe, is revoked.

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

8 This Decision shall become effective on December 12, 2014.

9 It is so ORDERED November 13, 2014.

10
11 

12 Board of Registered Nursing
13 Department of Consumer Affairs
14 State of California

15
16 Attachment:

17 Exhibit A: Accusation No. 2014-1295
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Exhibit A

Accusation No. 2014-1295

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVALASSILOU
Deputy Attorney General
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5 P.O. Box 70550
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7 E-mail: Aspasia.Papavassiliou@doj.ca.gov
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. 2014-1295

12 **KIMBERLY MARIE CRIPE**
13 **163 Epworth Hwy**
Palmer Lake, CO 80133

A C C U S A T I O N

14 **Registered Nurse License No. 706183**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about July 2, 2007, the Board of Registered Nursing issued Registered Nurse
23 License Number 706183 to Kimberly Marie Cripe (Respondent). The Registered Nurse License
24 expired on November 30, 2008, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
2 that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license. Under section 2811,
8 subdivision (b) of the Code, the Board may renew an expired license at any time within eight
9 years after the expiration.

10 STATUTORY PROVISIONS

11 6. Section 2761 of the Code states, in part:

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

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

15 ...

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

21 COST RECOVERY

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

Washington Discipline (License Denial)

8. On or about August 27, 2008, the Washington State Department of Health denied Respondent's application to be credentialed as a registered nurse. The basis for the denial was Respondent's failure to provide the agency with an "Authorization to Release Confidential Records." Respondent did not appeal the denial.

Colorado Discipline

9. On or about August 20, 2010, the Colorado State Board of Nursing (Colorado Board), in a disciplinary action, indefinitely suspended Respondent's Colorado professional nurse and practical nurse licenses after Respondent failed to comply with various requirements of the "Nursing Peer Health Assistance or Nurse Alternative to Discipline Program" (diversion program). Respondent agreed to comply with the diversion program on or about September 23, 2008, but, beginning in or around November 2009, she provided urine samples that either tested positive for alcohol or were too dilute to be tested; she failed to provide required reports; and she failed to keep meetings with her therapist. Further, a psychologist who evaluated Respondent in May 2010 and June 2010 opined: "At this point in treatment, it does not appear that additional services are likely to lead to any additional benefit, as Ms. Cripe has demonstrated an entrenched unwillingness to engage in any prolonged introspection that could lead to lasting change in her life."

Texas Discipline

10. On or about February 14, 2012, the Texas Board of Nursing (Texas Board), in a disciplinary action, revoked Respondent's Texas vocational nurse license by default. Respondent had failed to respond to formal charges filed by the Texas Board in October 2011 regarding the Colorado discipline described above.

CAUSE FOR DISCIPLINE
(Unprofessional Conduct: Out of State Discipline)
(Bus. and Prof. Code § 2761, subd. (a)(4))

11. Respondent has subjected her registered nurse to disciplinary action because she had a health care license denied or disciplined in another state. (Bus. & Prof. Code § 2761, subd.

1 (a)(4.) The circumstances are described in the "Factual Background" section above.

2 DISCIPLINARY CONSIDERATION

3 12. To determine the discipline to be imposed, Complainant further alleges that when
4 Respondent applied for her California registered nurse license on or about December 12, 2006,
5 she falsely answered "no" to the application question of whether she been convicted of any
6 offense other than a minor traffic violation. In fact, Respondent had a 1983 petty theft conviction,
7 but the Board approved Respondent's application due to the age of the offense.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
10 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 706183, issued to
12 Kimberly Marie Cripe;
- 13 2. Ordering Kimberly Marie Cripe to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.
- 17

18 DATED: APRIL 18, 2014

Louise R. Bailey
19 LOUISE R. BAILEY, M.ED., RN
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

25 SF2013901589

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