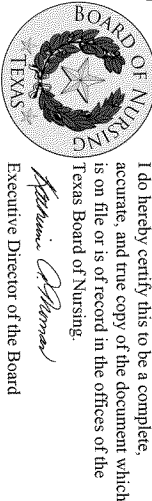


IN THE MATTER OF  
PERMANENT VOCATIONAL NURSE  
LICENSE NUMBER 165235  
ISSUED TO  
KATHLEEN ELIZABETH RUTLEDGE,  
RESPONDENT

§ BEFORE THE TEXAS  
§  
§ BOARD OF NURSING  
§  
§ ELIGIBILITY AND  
§  
§ DISCIPLINARY COMMITTEE



**ORDER OF THE BOARD**

TO: KATHLEEN ELIZABETH RUTLEDGE  
8414 CAMBRIDGE RD, NO C-15  
TYLER, TX 75703

During open meeting held in Austin, Texas, on **May 12, 2015**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and

conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 165235, previously issued to KATHLEEN ELIZABETH RUTLEDGE, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

---

Entered this 12th day of May, 2015.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed February 19, 2015.

d17r(2014.12.05)

Re: Permanent Vocational Nurse License Number 165235  
Issued to KATHLEEN ELIZABETH RUTLEDGE  
DEFAULT ORDER - REVOKE

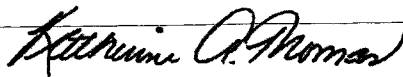
CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of May, 20 15, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested  
KATHLEEN ELIZABETH RUTLEDGE  
8414 CAMBRIDGE RD, NO C-15  
TYLER, TX 75703

Via USPS First Class Mail  
KATHLEEN ELIZABETH LARRALDE  
473-103 E ALLUVIAL AVENUE  
FRESNO, CA 93720

BY:

  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of	§	BEFORE THE TEXAS
Permanent Vocational Nurse	§	
License Number 165235	§	
Issued to KATHLEEN ELIZABETH RUTLEDGE,	§	
Respondent	§	BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KATHLEEN ELIZABETH RUTLEDGE, is a Vocational Nurse holding License Number 165235, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### CHARGE I.

On or about May 29, 2014, Respondent's California vocational nurse license was Revoked by the State of California, Board of Vocational Nursing, Sacramento, California. A copy of the California Board of Vocational Nursing Default Decision and Order effective May 29, 2014, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

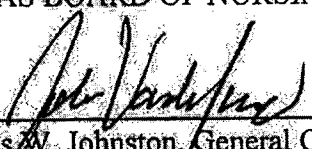
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: California Board of Vocational Nursing Default Decision and Order effective May 29, 2014.

Filed this 19 day of February, 20 15.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Natalie E. Adelaja, Assistant General Counsel  
State Bar No. 24064715

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

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

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6811  
F: (512) 305-8101 or (512) 305-7401

Attachments: California Board of Vocational Nursing Default Decision and Order effective May 29, 2014

D/2014.08.18

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8 **BEFORE THE**  
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2009-4825

13 **KATHLEEN ELIZABETH LARRALDE**  
14 **473-103 E. Alluvial Avenue**  
15 **Fresno, CA 93720**

**DEFAULT DECISION AND ORDER**

16 **Vocational Nurse License No. VN 198700**

[Gov. Code, §11520]

17 Respondent.

18 **FINDINGS OF FACT**

19  
20 1. On or about May 13, 2013, Complainant Teresa Bello-Jones, J.D., M.S.N., R.N., in  
21 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric  
22 Technicians, Department of Consumer Affairs, filed Accusation No. VN-2009-4825 against  
23 Kathleen Elizabeth Larralde (Respondent) before the Board of Vocational Nursing and  
24 Psychiatric Technicians. (Accusation attached as Exhibit A.)

25 2. On or about March 25, 2002, the Board of Vocational Nursing and Psychiatric  
26 Technicians (Board) issued Vocational Nurse License No. VN 198700 to Respondent. The  
27 Vocational Nurse License was in full force and effect at all times relevant to the charges brought  
28 in Accusation No. VN-2009-4825 and will expire on February 28, 2014, unless renewed.

1       3. On or about May 13, 2013, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. VN-2009-4825, Statement to Respondent, Notice of Defense,  
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
4 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
5 ~~Code section 136, is required to be reported and maintained with the Board.~~ Respondent's  
6 address of record was and is:

7 473-103 E. Alluvial Avenue  
8 Fresno, CA 93720.

9       4. Service of the Accusation was effective as a matter of law under the provisions of  
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
11 124.

12       5. On or about May 15, 2013 the Domestic Return Receipt for the aforementioned  
13 documents were returned by the U.S. Postal Service indicating delivery of the above documents  
14 on May 15, 2013.

15       6. Government Code section 11506 states, in pertinent part:

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

21       7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
22 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. VN-  
23 2009-4825.

24       8. California Government Code section 11520 states, in pertinent part:

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

29       9. Pursuant to its authority under Government Code section 11520, the Board finds  
30 Respondent is in default. The Board will take action without further hearing and, based on the  
31 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as

1 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
2 file at the Board's offices regarding the allegations contained in Accusation No. VN-2009-4825,  
3 finds that the charges and allegations in Accusation No. VN-2009-4825, are separately and  
4 severally, found to be true and correct by clear and convincing evidence.

5 ~~10. Taking official notice of its own internal records, pursuant to Business and~~  
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
7 and Enforcement is \$10,024.50 as of July 30, 2013.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Kathleen Elizabeth Larralde has  
10 subjected her Vocational Nurse License No. VN 198700 to discipline.

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

12 3. The Board of Vocational Nursing and Psychiatric Technicians is authorized to revoke  
13 Respondent's Vocational Nurse License based upon the following violations alleged in the  
14 Accusation which are supported by the evidence contained in the Default Decision Evidence

15 Packet in this case.:

16 a. Business and Professions Code section 2878(a) and 2878.5(a)-unprofessional conduct for  
17 possession of a controlled substance;

18 b. Business and Professions Code section 2878(a) and 2878.5(b)-unprofessional conduct for  
19 use of controlled substances in a dangerous manner.

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ORDER

IT IS SO ORDERED that Vocational Nurse License No. VN 198700, heretofore issued to Respondent Kathleen Elizabeth Larralde, 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 MAY 29 2014

It is so ORDERED APR 29 2014

  
FOR THE BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS

11141720.DOC  
SA2011103911

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

FILED

MAY 13 2013

Board of Vocational Nursing  
and Psychiatric Technicians

KAMALA D. HARRIS  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General  
ANAHITA S. CRAWFORD  
Deputy Attorney General  
State Bar No. 209545  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 322-8311  
Facsimile: (916) 327-8643  
*Attorneys for Complainant*

BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2009-4825

KATHLEEN ELIZABETH LARRALDE  
aka KATHLEEN LANAGAN  
aka KATHLEEN RUTLEDGE  
473-103 E. Alluvial Avenue  
Fresno, CA 93720

ACCUSATION

Vocational Nurse License No. VN 198700

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about March 25, 2002, the Bureau issued Vocational Nursing License Number VN 198700 to Kathleen Elizabeth Larralde, also known as Kathleen Lanagan, and Kathleen Rutledge ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2014, unless renewed.

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1 DRUGS AT ISSUE

2 8. "Benzodiazapine," any of a group of psychotropic agents used as anti-anxiety agents,  
3 muscle relaxants, sedatives, and hypnotics.

4 9. "Opiate," various sedative narcotics containing opium or one or more of its natural or  
5 synthetic derivatives.

6 FIRST CAUSE FOR DISCIPLINE

7 (Possessed Controlled Substances)

8 10. Respondent is subject to discipline under Code section 2878(a), on the grounds of  
9 unprofessional conduct as defined by Code section 2878.5(a), in that on or about May 9, 2010,  
10 while employed as a vocational nurse at Hy-Pana House Care Center Inc., located in Fresno,  
11 California, Respondent did the following:

12 a. Respondent possessed Benzodiazepam and Opiates, controlled substances, in  
13 violation of Code section 4060, in that she did not have a prescription for those controlled  
14 substances.

15 SECOND CAUSE FOR DISCIPLINE

16 (Use of Controlled Substances in a Dangerous Manner)

17 11. Respondent is subject to discipline under Code section 2878(a), on the grounds of  
18 unprofessional conduct as defined by Code section 2878.5(b), in that on or about May 9, 2010,  
19 while employed as a vocational nurse at Hy-Pana House Care Center Inc., located in Fresno,  
20 California, Respondent did the following:

21 a. Respondent self-administered Benzodiazepine and Opiates, controlled substances,  
22 without direction to do so from a licensed physician and surgeon, dentist or podiatrist.  
23 Respondent used the controlled substances in a dangerous manner as she was at work just prior to  
24 testing positive for the substances. During police questioning of Respondent at her place of work,  
25 Respondent kept falling asleep.

26 PRAYER

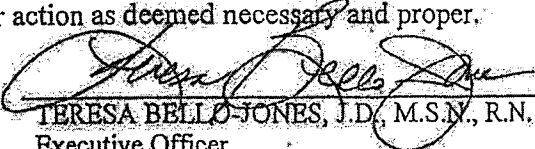
27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
28 and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 198700, issued to Kathleen Elizabeth Larralde also known as Kathleen Lanagan, and Kathleen Rutledge;

2. Ordering Kathleen Elizabeth Larralde also known as Kathleen Lanagan, and Kathleen Rutledge to pay the Bureau of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: MAY 13 2013

  
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

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