



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 Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Registered Nurse License Number 690561 §
issued to JANIS ALENE MOORE §

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 690561, issued to JANIS ALENE MOORE, 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 in delinquent status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Baccalaureate Degree in Nursing from San Diego State University, San Diego, California, on June 1, 1971. Respondent was licensed to practice professional nursing in the State of Texas on September 18, 2002.
4. Respondent's nursing employment history is unknown.
5. On or about October 9, 2015, Respondent's California registered nurse license and public health nurse certificate were issued a Probated Revocation through a Decision and Order by the California Board of Registered Nursing, Sacramento, California. A copy of the California Board of Registered Nursing's Decision and Order effective October 9, 2015, is attached and incorporated, by reference, as part of this order. On or about November 5,

2015, the Voluntary Surrender of Respondent's registered nurse license and public health nurse certificate was accepted by the California Board of Registered Nursing, Sacramento, California. A copy of the California Board of Registered Nursing's Decision and Order effective November 5, 2015, is attached and incorporated, by reference, as part of this order.

6. On November 24, 2015, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated November 24, 2015, 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 690561, heretofore issued to JANIS ALENE MOORE, 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 690561, heretofore issued to JANIS ALENE MOORE, 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:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of "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 24th day of November, 2015.

TEXAS BOARD OF NURSING

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

11/24/15

Texas Board of Nursing Fax # 512-305-6870
Paul Longoria

To whom it may concern -

This letter is to inform you that
I voluntarily surrender my Texas
Nursing License as of the above date

Janis Blene Moore
~~111-111-1111~~

1515 1/2 Wayland St
Springfield, MO 65804

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

In the Matter of the Accusation Against:

JANIS ALENE MOORE
P.O. Box 19323
San Diego, CA 92159

Registered Nurse License No. 216441
Public Health Nurse Certificate No. 16637

Respondent

Case No. 2014-933

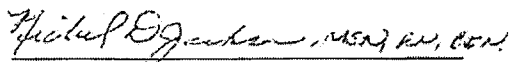
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DECISION AND ORDER

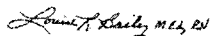
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 9, 2015.

IT IS SO ORDERED September 9, 2015


Michael D. Jackson, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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
Executive Officer



1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DIANE DE KERVOR
Deputy Attorney General
4 State Bar No. 174721
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2611
7 Facsimile: (619) 645-2061
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 **JANIS ALENE MOORE**
13 **P. O. Box: 19323**
14 **San Diego, CA 92159**

15 **Registered Nurse License No. 216441**
Public Health Nurse Certificate No. 16637

16 Respondent.

Case No. 2014-933

OAH No. 2014050329

**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 Executive Officer of the Board
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 Diane De
24 Kervor, Deputy Attorney General.

25 2. Respondent Janis Alene Moore ("Respondent") is represented in this proceeding by
26 attorney William R. Winship, Jr., whose address is: 591 Camino de la Reina, Suite 1015, San
27 Diego, CA 92108.
28

1 CULPABILITY

2 10. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 2014-933.

4 11. Respondent agrees that her Registered Nurse License and Public Health Nurse
5 Certificate are subject to discipline and she agrees to be bound by the Board's probationary terms
6 as set forth in the Disciplinary Order below.

7 CONTINGENCY

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

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

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

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

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

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

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

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

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

23 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
24 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
25 6 consecutive months or as determined by the Board.

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

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

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

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

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

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

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

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

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

1 following:

2 (a) Maximum - The individual providing supervision and/or collaboration is present in
3 the patient care area or in any other work setting at all times.

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

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

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

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

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

22 Respondent shall not work in any health care setting as a supervisor of registered nurses.

23 The Board may additionally restrict Respondent from supervising licensed vocational nurses
24 and/or unlicensed assistive personnel on a case-by-case basis.

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

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

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

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

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

10 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with its
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
12 amount of \$5033.00. Respondent shall be permitted to pay these costs in a payment plan
13 approved by the Board, with payments to be completed no later than three months prior to the end
14 of the probation term.

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

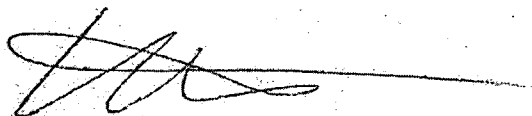
21 **12. Violation of Probation.** If Respondent violates the conditions of her probation, the
22 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
23 and impose the stayed discipline (revocation/suspension) of Respondent's license.

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

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I have read and fully discussed with Respondent Janis Alene Moore the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 4-13-15



WILLIAM WINSHIP, JR.
Attorney for Respondent

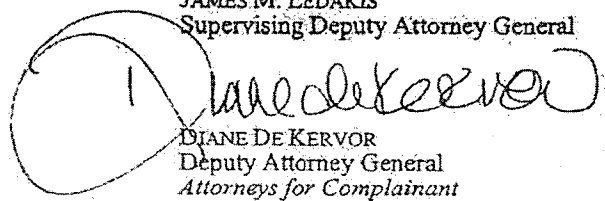
ENDORSEMENT

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

Dated: 4/14/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General



DIANE DE KERVOR
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2014-933

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DIANE DE KERVOR
Deputy Attorney General
4 State Bar No. 174721
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2611
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2014-933

12 **JANIS ALENE MOORE**
13 **P. O. Box 19323**
14 **San Diego, CA 92159**

A C C U S A T I O N

15 **Registered Nurse License No. 216441**
Public Health Nurse Certificate No. 16637

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 July 31, 1971, the Board of Registered Nursing issued Registered Nurse
24 License Number 216441 to Janis Alene Moore (Respondent). The Registered Nurse License was
25 in full force and effect at all times relevant to the charges brought herein and will expire on July 31,
26 2015, unless renewed.

27 3. On or about October 26, 1971, the Board of Registered Nursing issued Public Health
28 Nurse Certificate Number 16637 to Janis Alene Moore (Respondent). The Public Health Nurse

1 Certificate was in full force and effect at all times relevant to the charges brought herein and will
2 expire on July 31, 2015, unless renewed.

3 JURISDICTION

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

7 5. Section 2750 of the Code states:

8 "Every certificate holder or licensee, including licensees holding temporary
9 licenses, or licensees holding licenses placed in an inactive status, may be disciplined as
10 provided in this article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, §
11 2700 et seq.)]. As used in this article, "license" includes certificate, registration, or
12 any other authorization to engage in practice regulated by this chapter. The
13 proceedings under this article shall be conducted in accordance with Chapter 5
14 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
15 Government Code [the Administrative Procedure Act], and the board shall have all the
16 powers granted therein."

17 6. Section 2764 of the Code states:

18 "The lapsing or suspension of a license by operation of law or by order or
19 decision of the board or a court of law, or the voluntary surrender of a license by a
20 licentiate shall not deprive the board of jurisdiction to proceed with any investigation
21 of or action or disciplinary proceeding against such license, or to render a decision
22 suspending or revoking such license."

23 STATUTORY PROVISION

24 7. Section 2761 of the Code states:

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

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

"(1) Incompetence, or gross negligence in carrying out usual certified or
licensed nursing functions."

REGULATIONS

8. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
the standard of care which, under similar circumstances, would have ordinarily been exercised by a
competent registered nurse. Such an extreme departure means the repeated failure to provide

1 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
2 situation which the nurse knew, or should have known, could have jeopardized the client's health
3 or life."

4 **COSTS**

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

11 **CAUSE FOR DISCIPLINE**

12 **(Gross Negligence in the Monitoring of a Baby's IV Site in Intensive Care)**

13 23. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
14 on the grounds of gross negligence, as defined by California Code of Regulations, title 16, section
15 1442, in that she repeatedly failed to provide nursing care as required or failed to provide care or
16 to exercise ordinary precaution in a single situation which she knew, or should have known, could
17 have jeopardized the client's health or life, in that on or about January 29, and January 30, 2006,
18 while employed as a registered nurse, Respondent failed to properly evaluate and monitor her
19 pediatric patient's IV, leading to third degree burns, surgery, and further hospitalization, as
20 described below.

21 a. In 2006, Respondent, a traveling nurse, was working as an RN in the Pediatric
22 Intensive Care Unit at Fountain Valley Regional Hospital. From January 29 to January 30, 2006,
23 she was assigned to care for a four month old baby, ML, who had been born prematurely at 30
24 weeks, was very ill and required repeated hospitalizations. The baby was in the PICU for
25 pneumonia, laryngotracheomalacia, gastroesophageal reflux disease, reactive airway disease,
26 urinary tract infection, and bilateral hydronephrosis.

27 b. The baby had an intravenous line (IV) in his foot. The baby's baseline IV fluids
28 contained potassium and he was receiving IV doses of gentamicin, both of which are irritants and

1 have been reported to cause injuries if the IV infiltrates and these substances leak into surrounding
2 tissues.

3 c. Respondent reported that she checked the line at the beginning of her shift, and finding
4 no problems with the line administered gentamicin through the IV at approximately 2200 hours.
5 She checked the line again at approximately 2300 hours and there were no problems.
6 Approximately at midnight, the baby was wrapped in blankets, including the IV site. Not wishing
7 to disturb the baby, Respondent checked the line by feeling it through the blankets for the next
8 several hours. When Respondent next visually inspected the IV site at approximately 5 am,
9 preparing to give the baby more medication, Respondent noted that the child's foot and lower leg
10 were swollen and that there were blisters at the site. She notified the pediatrician on call and the
11 charge nurse of the situation.

12 d. The swelling and injury was caused by infiltration of the medication into the
13 surrounding tissue. The IV infiltration caused a full thickness burn (third degree) to his foot which
14 required surgery and skin grafting. The baby had to be in the hospital for another week for surgery
15 and to recover from the procedure. Following the discharge, his caregivers were required to
16 perform dressing changes.

17 e. Respondent failed to meet the standards of practice by not visualizing the baby's IV
18 site every 1-2 hours. Visual assessments along with the palpitation of the baby's foot would have
19 allowed her to see the swelling of the area in a timely manner. By not visually inspecting the IV
20 for over five hours in a fragile 4 month old who was receiving irritating fluids and medications,
21 Respondent failed to provide the care/exercise ordinary precaution in a single situation which the
22 nurse knew, or should have known, could jeopardize the patient's health or life. Her conduct
23 demonstrated gross negligence in the care of her patient.

24 PRAYER

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

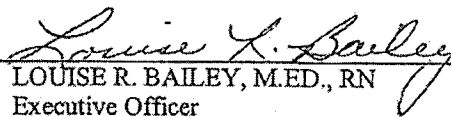
27 1. Revoking or suspending Registered Nurse License Number 216441, issued to Janis
28 Alene Moore;

1 2. Revoking or suspending Public Health Nurse Certificate Number 16637, issued to
2 Janis Alene Moore;

3 3. Ordering Janis Alene Moore to pay the Board of Registered Nursing the reasonable
4 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
5 section 125.3;

6 4. Taking such other and further action as deemed necessary and proper.

7
8 DATED: FEBRUARY 5, 2014


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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

In the Matter of the Stipulated Settlement and
Disciplinary Order Against:

JANIS ALENE MOORE
PO Box 19323
San Diego, CA 92159

Registered Nurse License No. 216441
Public Health Nurse Certificate No. 16637

Respondent

Case No. 2014-933

STIPULATED SURRENDER OF
LICENSE AND ORDER

DECISION AND ORDER

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

IT IS SO ORDERED November 5, 2015.

This Decision shall become effective on November 5, 2015.

Louise R. Bailey M.Ed, RN

Louise R. Bailey, M.ED., R.N. Executive Officer
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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

In the Matter of the Stipulated Settlement and
Disciplinary Order Against:

Case No. 2014-933

JANIS ALENE MOORE
P.O. Box 19323
San Diego, CA 92159

STIPULATED SURRENDER OF
LICENSE AND ORDER

Registered Nurse License No. 216441
Public Health Nurse Certificate No. 16637

Respondent

IT IS HEREBY STIPULATED AND AGREED by and between the parties that
the following matters are true:

PARTIES

1. Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer of the Board of Registered Nursing, who brought this action solely in her official capacity.
2. Janis Alene Moore (Respondent), is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.
3. On or about July 31, 1971, the Board of Registered Nursing issued Registered Nurse License No. 216441 to Respondent. On or about October 26, 1971, the Board of Registered Nursing issued Public Health Nurse Certificate No. 16637 to Respondent. On September 9, 2015, pursuant to the Stipulated Settlement and Disciplinary Order by the Board as its Decision in the disciplinary action titled *In the Matter of the Accusation Against Janis Alene Moore*, Case Number 2014-933, the Board ordered that Respondent's license be revoked effective October 9, 2015. The revocation was stayed and Respondent was placed on probation for three (3) years subject to terms and conditions. Respondent's license will expire on July 31, 2017, unless renewed.

JURISDICTION

4. On September 9, 2015, the Board of Registered Nursing adopted

1 Stipulated Settlement and Disciplinary Order No. 2014-933, which became effective on October
2 9, 2015. The Stipulated Settlement and Disciplinary order requires, inter alia, the respondent to
3 serve a 3-year probation term that includes Probation Conditions # 1-13. The Proposed Decision
4 is attached as exhibit A and incorporated herein by reference.

5 5. At all times after the effective date of Respondent's probation, Condition
6 13 states,

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

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

- 20 (1) Two years for reinstatement of a license that was surrendered for any
21 reason other than a mental or physical illness; or
22 (2) One year for a license surrendered for a mental or physical illness."

23 ADVISEMENT AND WAIVERS

24 6. Respondent has carefully read and understands Stipulated Settlement
25 and Disciplinary Order No. 2014-933. Respondent has carefully read, and understands the
26 effects of this Stipulated Surrender of License and Order and understands that this Stipulated
27 Surrender, if accepted by the Board, is considered as formal discipline of her license.

28 7. Respondent understands that by signing this stipulation she enables

1 the Board to accept the surrender of her Registered Nurse License without further process.

2 CONTINGENCY

3 8. This stipulation shall be subject to approval by the Board of Registered
4 Nursing. The Respondent understands and agrees that by signing this Stipulated Surrender of
5 License and Order, she may not withdraw her agreement or seek to rescind the stipulation prior
6 to the date it becomes effective. If the Board declines to accept this stipulation as its Decision
7 and Order, the Stipulated Surrender of License and Order shall be of no force or effect, except
8 for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
9 shall not be disqualified from further action by having considered this matter.

10 9. This Stipulated Surrender of License and Order is intended by the parties to be
11 an integrated writing representing the complete, final, and exclusive embodiment of their
12 agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
13 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of
14 License and Order may not be altered, amended, modified, supplemented, or otherwise changed
15 except by a writing executed by an authorized representative of each of the parties.

16 10. The parties understand and agree that facsimile copies of this Stipulated
17 Surrender of License and Order, including facsimile signatures thereto, shall have the same
18 force and effect as the originals.

19 11. In consideration of the foregoing stipulations, the parties agree that the
20 Board may, without further notice or formal proceeding, issue and enter the following Order:

21 ORDER

22 IT IS HEREBY ORDERED that Registered Nurse License No. 216441 and
23 Public Health Nurse Certificate No. 16637 issued to Respondent, Janis Alene Moore, are
24 surrendered and the surrender is accepted by the Board of Registered Nursing.

25 1. The surrender of Respondent's Registered Nurse License and the
26 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
27 against Respondent. This stipulation constitutes a record of the discipline and shall become a
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part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board both her pocket license and wall certificate, if one was issued, on or before the effective date of the Decision and Order.

4. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2014-933 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Upon reinstatement of the license by the Board, 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 \$5,033.00 which is the amount currently owed pursuant to Stipulated Settlement and Disciplinary Order No. 2014-933 (Exhibit A). If the reinstatement of Respondent's license is granted, Respondent shall be permitted to pay these costs in a payment plan approved by the Board.


6. Respondent shall not apply for licensure or petition for reinstatement for 2 years from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

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

DATED: 10/25/2015

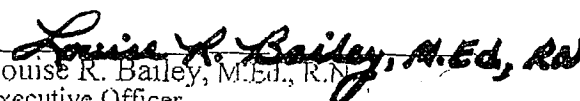


JANIS ALENE MOORE
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully accepted by Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer for the Board of Registered Nursing.

DATED: November 5, 2015



Louise R. Bailey, M.Ed., R.N.
Executive Officer

BOARD OF REGISTERED NURSING

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EXHIBIT "A"

Stipulated Settlement and Disciplinary Order No. 2014-933

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

In the Matter of the Accusation Against:

JANIS ALENE MOORE
P.O. Box 19323
San Diego, CA 92159

Registered Nurse License No. 216441
Public Health Nurse Certificate No. 16637

Respondent

Case No. 2014-933

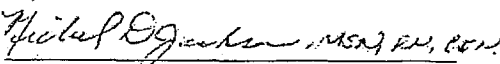
OAH No. 2014050329

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 October 9, 2015.

IT IS SO ORDERED September 9, 2015


Michael D. Jackson, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DIANE DE KERVOR
Deputy Attorney General
4 State Bar No. 174721
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2611
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2014-933

12 **JANIS ALENE MOORE**
13 **P. O. Box: 19323**
14 **San Diego, CA 92159**

OAH No. 2014050329

15 **Registered Nurse License No. 216441**
Public Health Nurse Certificate No. 16637

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board
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 Diane De
24 Kervor, Deputy Attorney General.

25 2. Respondent Janis Alene Moore ("Respondent") is represented in this proceeding by
26 attorney William R. Winship, Jr., whose address is: 591 Camino de la Reina, Suite 1015, San
27 Diego, CA 92108.
28

1 CULPABILITY

2 10. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 2014-933.

4 11. Respondent agrees that her Registered Nurse License and Public Health Nurse
5 Certificate are subject to discipline and she agrees to be bound by the Board's probationary terms
6 as set forth in the Disciplinary Order below.

7 CONTINGENCY

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

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

21 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
24 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
25 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
26 writing executed by an authorized representative of each of the parties.
27
28

1 15. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Registered Nurse License No. 216441 and Public Health
6 Nurse Certificate No. 16637 issued to Respondent Janis Alene Moore (Respondent) are revoked.
7 However, the revocations are stayed and Respondent is placed on probation for three (3) years on
8 the following terms and conditions.

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

14 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
15 detailed account of any and all violations of law shall be reported by Respondent to the Board in
16 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
17 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
18 45 days of the effective date of the decision, unless previously submitted as part of the licensure
19 application process.

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

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

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

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

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

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

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

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

23 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
24 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
25 6 consecutive months or as determined by the Board.

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

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

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

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

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

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

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

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

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

1 following:

2 (a) Maximum - The individual providing supervision and/or collaboration is present in
3 the patient care area or in any other work setting at all times.

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

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

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

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

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

22 Respondent shall not work in any health care setting as a supervisor of registered nurses.

23 The Board may additionally restrict Respondent from supervising licensed vocational nurses
24 and/or unlicensed assistive personnel on a case-by-case basis.

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

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

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

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

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

10 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with its
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
12 amount of \$5033.00. Respondent shall be permitted to pay these costs in a payment plan
13 approved by the Board, with payments to be completed no later than three months prior to the end
14 of the probation term.

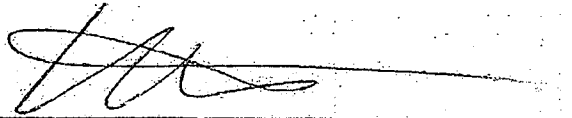
15 If Respondent has not complied with this condition during the probationary term, and
16 Respondent has presented sufficient documentation of her good faith efforts to comply with this
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
18 extension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

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

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

1 I have read and fully discussed with Respondent Janis Alene Moore the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5 DATED: 4-13-15


6 WILLIAM WINSHIP, JR.
7 Attorney for Respondent

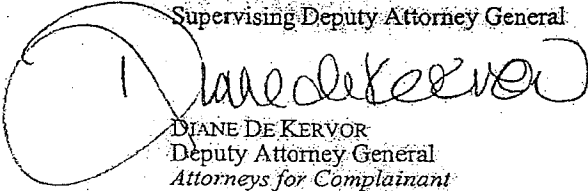
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9 ENDORSEMENT

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

12 Dated: 4/14/15

13 Respectfully submitted,

14 KAMALA D. HARRIS
15 Attorney General of California
16 JAMES M. LEDAKIS
17 Supervising Deputy Attorney General


18 DIANE DE KERVOR
19 Deputy Attorney General
20 Attorneys for Complainant

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23

Exhibit A

Accusation No. 2014-933

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DIANE DE KERVOR
Deputy Attorney General
4 State Bar No. 174721
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2611
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2014-933

12 **JANIS ALENE MOORE**
13 **P. O. Box 19323**
14 **San Diego, CA 92159**

A C C U S A T I O N

15 **Registered Nurse License No. 216441**
Public Health Nurse Certificate No. 16637

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 July 31, 1971, the Board of Registered Nursing issued Registered Nurse
24 License Number 216441 to Janis Alene Moore (Respondent). The Registered Nurse License was
25 in full force and effect at all times relevant to the charges brought herein and will expire on July 31,
26 2015, unless renewed.

27 3. On or about October 26, 1971, the Board of Registered Nursing issued Public Health
28 Nurse Certificate Number 16637 to Janis Alene Moore (Respondent). The Public Health Nurse

1 Certificate was in full force and effect at all times relevant to the charges brought herein and will
2 expire on July 31, 2015, unless renewed.

3 **JURISDICTION**

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

7 5. Section 2750 of the Code states:

8 "Every certificate holder or licensee, including licensees holding temporary
9 licenses, or licensees holding licenses placed in an inactive status, may be disciplined as
10 provided in this article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, §
11 2700 et seq.)]. As used in this article, "license" includes certificate, registration, or
12 any other authorization to engage in practice regulated by this chapter. The
13 proceedings under this article shall be conducted in accordance with Chapter 5
14 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
15 Government Code [the Administrative Procedure Act], and the board shall have all the
16 powers granted therein."

17 6. Section 2764 of the Code states:

18 "The lapsing or suspension of a license by operation of law or by order or
19 decision of the board or a court of law, or the voluntary surrender of a license by a
20 licentiate shall not deprive the board of jurisdiction to proceed with any investigation
21 of or action or disciplinary proceeding against such license, or to render a decision
22 suspending or revoking such license."

23 **STATUTORY PROVISION**

24 7. Section 2761 of the Code states:

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

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

"(1) Incompetence, or gross negligence in carrying out usual certified or
licensed nursing functions."

REGULATIONS

8. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
the standard of care which, under similar circumstances, would have ordinarily been exercised by a
competent registered nurse. Such an extreme departure means the repeated failure to provide

1 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
2 situation which the nurse knew, or should have known, could have jeopardized the client's health
3 or life."

4 COSTS

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

11 CAUSE FOR DISCIPLINE

12 (Gross Negligence in the Monitoring of a Baby's IV Site in Intensive Care)

13 23. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
14 on the grounds of gross negligence, as defined by California Code of Regulations, title 16, section
15 1442, in that she repeatedly failed to provide nursing care as required or failed to provide care or
16 to exercise ordinary precaution in a single situation which she knew, or should have known, could
17 have jeopardized the client's health or life, in that on or about January 29, and January 30, 2006,
18 while employed as a registered nurse, Respondent failed to properly evaluate and monitor her
19 pediatric patient's IV, leading to third degree burns, surgery, and further hospitalization, as
20 described below.

21 a. In 2006, Respondent, a traveling nurse, was working as an RN in the Pediatric
22 Intensive Care Unit at Fountain Valley Regional Hospital. From January 29 to January 30, 2006,
23 she was assigned to care for a four month old baby, ML, who had been born prematurely at 30
24 weeks, was very ill and required repeated hospitalizations. The baby was in the PICU for
25 pneumonia, laryngotracheomalacia, gastroesophageal reflux disease, reactive airway disease,
26 urinary tract infection, and bilateral hydronephrosis.

27 b. The baby had an intravenous line (IV) in his foot. The baby's baseline IV fluids
28 contained potassium and he was receiving IV doses of gentamicin, both of which are irritants and

1 have been reported to cause injuries if the IV infiltrates and these substances leak into surrounding
2 tissues.

3 c. Respondent reported that she checked the line at the beginning of her shift, and finding
4 no problems with the line administered gentamicin through the IV at approximately 2200 hours.
5 She checked the line again at approximately 2300 hours and there were no problems.
6 Approximately at midnight, the baby was wrapped in blankets, including the IV site. Not wishing
7 to disturb the baby, Respondent checked the line by feeling it through the blankets for the next
8 several hours. When Respondent next visually inspected the IV site at approximately 5 am,
9 preparing to give the baby more medication, Respondent noted that the child's foot and lower leg
10 were swollen and that there were blisters at the site. She notified the pediatrician on call and the
11 charge nurse of the situation.

12 d. The swelling and injury was caused by infiltration of the medication into the
13 surrounding tissue. The IV infiltration caused a full thickness burn (third degree) to his foot which
14 required surgery and skin grafting. The baby had to be in the hospital for another week for surgery
15 and to recover from the procedure. Following the discharge, his caregivers were required to
16 perform dressing changes.

17 e. Respondent failed to meet the standards of practice by not visualizing the baby's IV
18 site every 1-2 hours. Visual assessments along with the palpitation of the baby's foot would have
19 allowed her to see the swelling of the area in a timely manner. By not visually inspecting the IV
20 for over five hours in a fragile 4 month old who was receiving irritating fluids and medications,
21 Respondent failed to provide the care/exercise ordinary precaution in a single situation which the
22 nurse knew, or should have known, could jeopardize the patient's health or life. Her conduct
23 demonstrated gross negligence in the care of her patient.

24 PRAYER

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

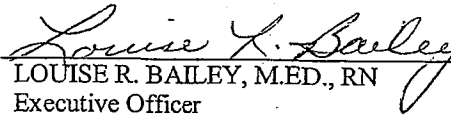
27 1. Revoking or suspending Registered Nurse License Number 216441, issued to Janis
28 Alene Moore;

1 2. Revoking or suspending Public Health Nurse Certificate Number 16637, issued to
2 Janis Alene Moore;

3 3. Ordering Janis Alene Moore to pay the Board of Registered Nursing the reasonable
4 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
5 section 125.3;

6 4. Taking such other and further action as deemed necessary and proper.

7
8 DATED: FEBRUARY 5, 2014


LOUISE R. BAILEY, M.E.D., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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