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

In the Matter of the Accusation Against: CAROLYN FRANCES HENDRICKS 316 Merlot Drive Cave Junction. Oregon 97523 Registered Nurse License No. 225090 Respondent.	Case No. 2009-22 **ACCUSATION**

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (Board).

2. On or about July 31, 1972, the Board issued Registered Nurse License Number 225090 to Carolyn Frances Hendricks (Respondent). The Registered Nurse License will expire on March 31, 2010 unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section

references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

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

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

6. Section 2761 of the Code states in pertinent part:

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

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

. . . .

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

7. Section 2762 of the Code states in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . . .

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or

injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license."

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

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

FIRST CAUSE FOR DISCIPLINE

(Impairment Due to Alcohol)

10. Respondent's license is subject to disciplinary action under Business and Professions Code section 2761, subdivision (a), and section 2762, subdivision (b) for unprofessional conduct, in that on or about April 28, 2005, while employed as a registered nurse on the night shift (from 6:15 p.m. to 7 a.m.) at San Joaquin Community Hospital ("hospital") located in Bakersfield, California, Respondent consumed alcohol beverages, to an extent or in a manner dangerous or injurious to herself and/or the public, and /or impairing her ability to conduct her nursing practice with safety, by reason of the following facts:

A. By her own admission, Respondent drank wine with lunch prior to the time she was due to report to work on April 28, 2005.

B. Respondent then fell asleep and failed to report to work on time.

C. When Respondent arrived late to begin her shift, a co-worker observed that she smelled strongly of alcohol, and made a complaint to hospital supervision.

D. Respondent was then instructed to report to a drug testing facility to provide samples within one hour, as permitted under hospital policies.

E. Respondent provided samples which were then tested with the following results: Respondent's Breathalyzer report showed a reading of 0.87 (legal intoxication is 0.9);

and Respondent's urine sample showed positive for alcohol (ethanol).

G. Respondent's employment at the hospital was terminated for arriving at work under the influence of alcohol in violation of hospital policy.

PRAYER

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

1. Revoking or suspending Registered Nurse License Number 225090, issued to Carolyn Frances Hendricks.

2. Ordering Carolyn Frances Hendricks to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 7/24/08

RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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