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

In the Matter of the Accusation Against: **JEANNE MAUREEN KASPAROFF** **8381 Maple Dale Lane** **Huntington Beach, CA 92646** **Registered Nurse License No. 436797** Respondent.	Case No. 2010-120 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about March 31, 1989, the Board of Registered Nursing issued Registered Nurse Number 436797 to Jeanne Maureen Kasparoff (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2010, unless renewed.

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JURISDICTION

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

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

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

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

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

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

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

". . . .

7. Section 2762 of the Code states:

"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:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, 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.

8. Code section 4060 states, in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, or naturopathic doctor.

COST RECOVERY

9. 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.

DRUGS

10. **Ativan** – Trade name for Lorazepam, is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057(d)(16) and a dangerous drug per Business and Professions Code section 4022. Lorazepam is a benzodiazepine with anti-anxiety sedative and anticonvulsant effects.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Obtained, Possessed and Self-Administered a Controlled Substance)

11. Respondent is subject to discipline under Code section 2762(a), in that on or about May 22, 2006, while employed at Valley Health Care Center (HVHCC), a skilled nursing facility in Huntington Beach, CA, Respondent did the following:

a. Obtained Ativan, a controlled substance, by removing the medication from the storage cabinet at ValleyHealth Care Center, her place of employment, without consent.

b. Possessed Ativan, a controlled substance, without a prescription from a licensed health practioner in violation of Code section 4060.

12. The circumstances are as follows:

On or about May 22, 2006, during the 3:00 p.m. to 11:30 p.m. shift, R.M., an LVN and co-worker of Respondent, called C.O., the Supervisor and Director of Nursing at HVHCC, to report R.M.'s observations of Respondent. R.M. reported that Repondent was acting oddly, with

rambling, incoherent and slurred speech, and a stumbling gait to the point of falling. C.O. attempted to speak to Respondent by phone and witnessed her altered mental state. C.O. directed R.M. to send Respondent to Huntington Beach Hospital Emergency Department for evaluation and treatment. Respondent left her purse at HVHCC. When the Charge Nurse went to lock up the purse, she found an empty Ativan oral concentrate box in Respondent's purse, as well as used syringes with liquid still in them and no needles attached.

13. On October 23, 2008, Respondent admitted to Senior Investigator Larry Moore that on May 22, 2006, she removed Ativan from the medicine cabinet at HVHCC. Respondent provided the investigator with an endorsed medical records release form.

14. On or about November 4, 2008, the investigator received Respondent's medical records from Huntington Beach Hospital. The records indicate that Respodent was sent to the emergency department on May 23, 2006, at approximately 0200 hours. The admitting diagnosis was altered mental status and anemia. Respondent was observed to exhibit slurred speech, eyes half closed, slow response to stimuli, and she appeared emaciated, anorexic and dishevelled. A drug screen was negative. The physician recommended a CT scan of her head which Respondent refused and she left the hospital at 0536 hours.

SECOND CAUSE FOR DISCIPLINE

(Incompetence, Gross Negligence)

15. Respondent is subject to discipline under Code section 2761(a)(1), in that on May 22, 2006, Respondent, while on duty as a Registered Nurse, exhibited an impaired mental state. Respondent behaved oddly with rambling, incoherent and slurred speech, a stumbling gait to the point of falling, and she demonstrated an inability to function as a nurse. Her behavior could have resulted in harm to herself and to others. A drug screen from Respondent's hospital visit showed no drugs or alcohol present in her body. Respondent checked herself out of the emergency room before a full assessment of her medical condition was completed.

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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 Number 436797, issued to Jeanne Maureen Kasparoff.

2. Ordering Jeanne Maureen Kasparoff to pay the Board of Registered Nursing the reasonable costs of the investigation and prosecution 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: 8/28/09

Louise R. Bailey

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

SD2009804168