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

In the Matter of the Petition to Revoke Probation Against, **SUSAN VIOLET HILL** **P.O. Box 1559** **Tehachapi, CA 93581** **and** **Susan Violet Hill** **2200 N. Inyo, #B** **Bakersfield, CA 93305** **Registered Nurse License No. 502176** Petitioner.	Case No. 2005-76 **PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

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

Registered Nurse License

2. On or about August 12, 1994, the Board issued Registered Nurse License Number 502176 to Susan Violet Hill ("Petitioner"). The registered nurse license expired on June 30, 2002.

Prior Discipline

3. By Default Decision in Case No. 2005-76, attached hereto as **Exhibit A** and incorporated herein by reference, effective May 6, 2005, the Board revoked Petitioner's Registered Nurse License No. 502176.

4. On or about July 7, 2008, Petitioner filed a Petition for Reinstatement with the Board. Effective December 1, 2008, the Board of Registered Nursing, issued a decision, granting Petitioner's Petition for Reinstatement of Registered Nurse License No. 502176. The license was immediately revoked; however, the revocation was stayed and Respondent was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as **Exhibit B** and is incorporated by reference.

STATUTORY PROVISIONS

5. 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 Code section 2750) of the Nursing Practice Act.

6. Code section 2764 states, 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 Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

7. Grounds exist for revoking the probation and reimposing the order of revocation of Petitioner's Registered Nurse License No. 502176. Condition 12 of the Decision states:

> If Petitioner violates the conditions of her probation, the Board after giving the Petitioner notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the Petitioner's license.
>
> If during the period of probation, an accusation or petition to revoke probation has been filed against Petitioner's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Petitioner's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

8. Petitioner has violated the Probation Program, as more particularly set forth in the following paragraphs:

FIRST CAUSE TO REVOKE PROBATION

(Failure to Meet in Person with Board Representatives)

9. At all times after the effective date of Petitioner's probation, Condition 3, states:

> Petitioner, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

10. Petitioner's probation is subject to revocation because she failed to comply with Probation Condition 3, referenced above. The facts and circumstances regarding this violation are that Petitioner failed to meet with Board representatives as required on the following dates: December 18, 2008; January 13, 2009; February 19, 2009; and, April 30, 2009.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Submit Written Reports)

11. At all times after the effective date of Petitioner's probation, Condition 5, states:

> Petitioner, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verifications of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Petitioner's compliance with all the conditions of the Board's Probation Program. Petitioner shall immediately execute all release of information forms as may be required by the Board or its representatives.
>
> Petitioner shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

12. Petitioner's probation is subject to revocation because she failed to comply with Probation Condition 5, referenced above. The facts and circumstances regarding this violation are that Petitioner failed to submit the required quarterly reports for December 1-December 31, 2008; and, January 1-March 31, 2009.

THIRD CAUSE TO REVOKE PROBATION

(Failure to Complete Physical Examination)

13. At all times after the effective date of Petitioner's probation, Condition 14, states:

> Within 45 days of the effective date of this decision, Petitioner, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an

assessment of the Petitioner's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the Petitioner with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Petitioner is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Petitioner by telephone, and the Board shall request that the Attorney General's Office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, Petitioner shall not engage in any practice for which a license issued by the Board is required until the Board has notified Petitioner that a medical determination permits Petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If the Petitioner fails to have the above assessment submitted to the Board within the 45 day requirement, Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the Petitioner to obtain assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

14. Petitioner's probation is subject to revocation because she failed to comply with Probation Condition 14, referenced above. The facts and circumstances regarding this violation are that Petitioner failed to submit the required written proof of her physical examination by the due date of January 15, 2009.

FOURTH CAUSE TO REVOKE PROBATION

(Failure to Participate in Treatment/Rehabilitation Program)

15. At all times after the effective date of Petitioner's probation, Condition 15, states:

Petitioner, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted to the program on forms provided by the Board. If Petitioner has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Petitioner, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Petitioner in violation of probation.

Based on Board recommendation, each week Petitioner shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Petitioner shall submit dated

and signed documentation confirming such attendance to the Board during the entire period of probation. Petitioner shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

16. Petitioner's probation is subject to revocation because she failed to comply with Probation Condition 15, referenced above. The facts and circumstances regarding this violation are that Petitioner failed to submit written proof of entering into a 6 month chemical treatment program by the due date of January 15, 2009. Further, Petitioner failed to submit written proof of her attendance in a nurse support group and AA meetings for the period of December 1, 2008, to May 7, 2009.

FIFTH CAUSE TO REVOKE PROBATION

(Failure to Complete Mental Health Examination)

17. At all times after the effective date of Petitioner's probation, Condition 18, states:

> The Petitioner shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the Petitioner. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the Petitioner.
>
> If Petitioner is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Petitioner by telephone, and the Board shall request that the Attorney General's Office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Petitioner shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Petitioner that a mental health determination permits Petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.
>
> If the Petitioner fails to have the above assessment submitted to the Board within the 45-day requirement, Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the Petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

18. Petitioner's probation is subject to revocation because she failed to comply with Probation Condition 18, referenced above. The facts and circumstances regarding this violation

are that Petitioner failed to complete the mental health examination by failing to submit written proof of her mental health examination by the due date of January 15, 2009.

SIXTH CAUSE TO REVOKE PROBATION

(Failure to Complete On-Going Counseling)

19. At all times after the effective date of Petitioner's probation, Condition 19, states:

> Petitioner, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

20. Petitioner's probation is subject to revocation because she failed to comply with Probation Condition 19, referenced above. The facts and circumstances regarding this violation are that Petitioner failed to submit written proof of her attendance in on-going counseling by the due date of January 15, 2009.

SEVENTH CAUSE TO REVOKE PROBATION

(Failure to Comply with the Probation Program)

21. At all times after the effective date of Petitioner's probation, Condition 2, states:

> Petitioner shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Petitioner's compliance with the Board's Probation Program. Petitioner shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board.

22. Petitioner's probation is subject to revocation because she failed to comply with Probation Condition 2, referenced above. The facts and circumstances regarding this violation are that Petitioner is not in compliance with the Board's Probation Program by failing to comply with Probation Condition Nos. 3, 5, 14, 15, 18, and 19. Further, Petitioner has not maintained an active current license status with the Board as evidenced by the fact that Petitioner's Registered Nurse License No. 502176 expired on June 30, 2002. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 9 through 20 above.

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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 the probation that was granted by the Board of Registered Nursing in Case No. 2005-76 and imposing the disciplinary order that was stayed thereby revoking Registered Nurse License No. 502176, issued to Susan Violet Hill;

2. Revoking or suspending Registered Nurse License No. 502176, issued to Susan Violet Hill; and,

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

DATED: 11/09/09

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

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Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2005-76

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

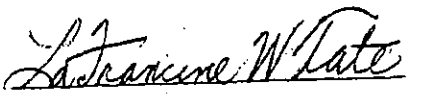
In the Matter of the Petition for Reinstatement of: **SUSAN VIOLET HILL** Registered Nurse License No. 502176 Petitioner.	OAH No. L2008090196

DECISION

The attached Decision of the Board of Registered Nursing is hereby adopted by the Board as its Decision in the above-entitled matter.

This Decision shall become effective on **December 1, 2008**.

IT IS SO ORDERED this **31st** day of **October 2008**.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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

In the Matter of Petition for Reinstatement of: SUSAN VIOLET HILL Petitioner,	OAH No. L2008090196

DECISION

This matter was heard by a quorum of the Board of Registered Nursing on September 18, 2008, in Bakersfield, California. Administrative Law Judge Humberto Flores from the Office of Administrative Hearings presided.

Kimberly Baker, Deputy Attorney General, represented the Attorney General.

Susan Violet Hill (Petitioner) appeared and represented herself.

Oral and documentary evidence was received and the matter was submitted for decision. The Board of Registered Nursing finds as follows:

FACTUAL FINDINGS

1. On August 12, 1994, the Board of Registered Nursing (Board) issued Registered Nurse License No. 502176 to Petitioner.

2. By Default Decision in Case No. 2005-76, effective May 6, 2005, the Board revoked Petitioner's registered nurse license.

3. In its Decision, the Board determined that on June 11, 2002, Petitioner: (1) used and was under the influence of methamphetamines, in violation of Business and Professions Code sections 2761, subdivision (a), and 2762, subdivision (a); and (2) used a controlled substance (methamphetamine), to such an extent and in a manner that was injurious to herself and others, in violation of Business and Professions Code sections 2761, subdivision

(a), and 2762, subdivision (a). The facts and circumstances underlying the discipline were that on June 11, 2002, Petitioner was arrested for being under the influence of a controlled substance, to wit: methamphetamine. A urine sample obtained from Petitioner after her arrest tested positive for methamphetamine, benzodiazepine, and opiates.

4. On or about July 7, 2008, Petitioner filed a Petition for Reinstatement with the Board.

5. Petitioner presented evidence of rehabilitation. In her testimony, Petitioner accepted complete responsibility for her past drug use. She has been clean and sober since July 2005. In late 2005, Petitioner enrolled in College Community Services Counseling Program in Tehachapi, California. This was a six-month program consisting of alcohol and drug counseling, NA/AA meetings, and drug and alcohol testing. She completed the program in June 2006. Petitioner has been gainfully employed since she stopped using drugs. Since July 2005, she has worked as a tour guide and bookkeeper for Indian Point Ostrich Ranch in Tehachapi, California. She holds a second job as an accounts-receivable and billing clerk for Benz Sanitation also located in Tehachapi, California.

LEGAL CONCLUSION

Cause exists pursuant to Business and Professions Code Section 2760.1, to grant the Petition for Reinstatement of a Revoked License submitted by Petitioner, by reason of Factual Finding 5. Petitioner's evidence of rehabilitation, and her comportment and demeanor at the hearing, demonstrated that the public would be adequately protected by granting Petitioner's request for reinstatement under appropriate conditions.

ORDER

IT IS HEREBY ORDERED that the Petition for Reinstatement of a registered nurse license, submitted by Susan Violet Hill, is granted. The license issued pursuant to this order is immediately revoked. However, the revocation is stayed and Petitioner is placed on probation for three (3) years on the following conditions.

SEVERABILITY CLAUSE –
Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(1) OBEY ALL LAWS - Petitioner shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the Petitioner to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Petitioner shall submit completed fingerprint forms and

fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

CRIMINAL COURT ORDERS: If Petitioner is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

(2) **COMPLY WITH THE BOARD'S PROBATION PROGRAM** - Petitioner shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Petitioner's compliance with the Board's Probation Program. Petitioner shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

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

(3) **REPORT IN PERSON** - Petitioner, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

(4) **RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE** - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Petitioner's probation is tolled, if and when she resides outside of California. The Petitioner must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

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

(5) **SUBMIT WRITTEN REPORTS** - Petitioner, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Petitioner's compliance with all the conditions of the Board's Probation Program. Petitioner shall immediately execute all release of information forms as may be required by the Board or its representatives.

Petitioner shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

(6) **FUNCTION AS A REGISTERED NURSE** - Petitioner, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

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

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

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

(7) **EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS** - Petitioner shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Petitioner shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Petitioner shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

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

(8) **SUPERVISION** - Petitioner shall obtain prior approval from the Board regarding Petitioner's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

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

Petitioner's level of supervision and/or collaboration may include, but is not limited to the following:

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

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

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

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

(9) <u>EMPLOYMENT LIMITATIONS</u> - Petitioner shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

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

Petitioner shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Petitioner from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

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

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

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

(10) <u>COMPLETE A NURSING COURSE(S)</u> - Petitioner, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her or her probationary term.

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

(11) COST RECOVERY – This provision is not applicable because the Order revoking Petitioner's registered nurse license did not order Petitioner to pay the costs associated with its investigation and enforcement of Case No. 2005-76.

(12) VIOLATION OF PROBATION - If Petitioner violates the conditions of her probation, the Board after giving the Petitioner notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the Petitioner's license.

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

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

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

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

(14) PHYSICAL EXAMINATION – Within 45 days of the effective date of this decision, Petitioner, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the Petitioner's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the Petitioner with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Petitioner is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Petitioner by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, Petitioner shall not engage in any practice for which a license issued by the Board is required until the Board has notified Petitioner that a medical determination permits Petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If the Petitioner fails to have the above assessment submitted to the Board within the 45-day requirement, Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the Petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

(15) <u>PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE</u> - Petitioner, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Petitioner has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Petitioner, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Petitioner in violation of probation.

Based on Board recommendation, each week Petitioner shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Petitioner shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Petitioner shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

(16) <u>ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS</u> - Petitioner shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Petitioner shall have sent to the Board, in writing and within fourteen

(14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Petitioner's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Petitioner shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Petitioner's history of substance abuse and will coordinate and monitor any prescriptions for Petitioner for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Petitioner's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

(17) <u>SUBMIT TO TESTS AND SAMPLES</u> - Petitioner, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The Petitioner is responsible for keeping the Board informed of Petitioner's current telephone number at all times. Petitioner shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the Petitioner shall be considered in violation of probation.

In addition, Petitioner, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Petitioner has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If Petitioner fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

(18) MENTAL HEALTH EXAMINATION - The Petitioner shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the Petitioner. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the Petitioner.

If Petitioner is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Petitioner by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Petitioner shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Petitioner that a mental health determination permits Petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If the Petitioner fails to have the above assessment submitted to the Board within the 45-day requirement, Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the Petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

(19) THERAPY OR COUNSELING PROGRAM - Petitioner, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

DATED: October 31, 2008

LaFrancine Tate

LaFRANCINE TATE, Public Member
President
Board of Registered Nursing

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

In the Matter of the Accusation Against: SUSAN VIOLET HILL, R.N. 2200 N. Inyo # B Bakersfield, CA 93305 Registered Nurse License No. 502176 Respondent.	Case No. 2005-76 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 25, 2004, Complainant Ruth Ann Terry, M.P.H., R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2005-76 against Susan Violet Hill, R.N. (Respondent) before the Board of Registered Nursing.

2. On or about August 12, 1994, the Board of Registered Nursing (Board) issued Registered Nurse License No. 502176 to Respondent. The Registered Nurse License expired on June 30, 2002, and has not been renewed.

3. On or about October 29, 2004, Tracey To, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2005-76, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7, to Respondent's address of record with the Board, which was and is 2200 N. Inyo # B, Bakersfield, CA 93305. A copy of the Accusation is attached as

exhibit A, and is incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On or about November 2, 2004, the aforementioned documents were returned by the U.S. Postal Service marked "Not deliverable as addressed."

6. Business and Professions Code section 118 states, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground."

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

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

8. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2005-76.

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

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

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in

exhibits A and B, finds that the allegations in Accusation No. 2005-76 are true.

11. The total costs for investigation and enforcement are $1,899.00 as of June 4, 2004.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Susan Violet Hill, R.N. has subjected her Registered Nurse License No. 502176 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation:

a. Business and Professions Code, section 2762, subdivision (a) - in possession of a controlled substance.

b. Business and Professions Code, section 2762, subdivision (b) - use of a controlled substance.

ORDER

IT IS SO ORDERED that Registered Nurse License No. 502176, heretofore issued to Respondent Susan Violet Hill, R.N., 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 6, 2005.

It is so ORDERED April 6, 2005

Sandra L. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Exhibit A

Accusation No. 2005-76,
Related Documents and Declaration of Service

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Attorneys for Complainant

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

In the Matter of the Accusation Against: SUSAN VIOLET HILL 2200 N. Inyo, #B Bakersfield, CA 93305 Registered Nurse License No. 502176 Respondent.	Case No. 2005-76 **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 (Board), Department of Consumer Affairs.

2. On or about August 12, 1994, the Board issued Registered Nurse License No. 502176 to Susan Violet Hill (Respondent). The Registered Nurse License expired on June 30, 2002, and has not been renewed.

STATUTORY PROVISIONS

3. Section 2750 states, in pertinent part:

"Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided

in this article [article 3, commencing with section 2750]. As used in this article, 'license' includes certificate, registration, or any other authorization to engage in the practice regulated by this chapter [chapter 6, commencing with section 2700]."

4. Section 118, subdivision (b), states:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

5. Section 2764 states:

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

6. Section 2811, subdivision (b), provides in pertinent part, that each license not renewed in accordance with that section shall expire, but may within a period of eight years thereafter be reinstated.

7. Section 2761 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 . . ."

8. Section 2762 states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [chapter 6, commencing with section 2700], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

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"(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.

"(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."

9. Section 492 states:

"Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with section 500) of this Code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest."

"This section shall be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with section 500) of this Code, or any initiative act referred to in that division."

10. Section 125.3, subdivision (a), states, in pertinent part:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . 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."

CONTROLLED SUBSTANCES

11. "Methamphetamine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(d)(2).

FIRST CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance)

12. Respondent is subject to disciplinary action under section 2761(a) of the Code on the grounds of unprofessional conduct, as defined by section 2762(a) of the Code, in that she was in possession of a controlled substance, as follows:

13. On or about June 11, 2002, Respondent was arrested by Bakersfield police for being under the influence of a controlled substance (Methamphetamine), knowingly being present in a residence where narcotics were being used, and for possession of drug paraphernalia. Respondent admitted to one of the arresting officers that she injected Methamphetamine at approximately 0300 hours. A urine sample obtained from Respondent tested positive for amphetamines, benzodiazepines, and opiates.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Use of a Controlled Substance)

14. Respondent is subject to disciplinary action pursuant to section 2761(a) for unprofessional conduct as defined by section 2762(b) in that she injected a controlled substance (Methamphetamine), to an extent or in a manner dangerous or injurious to herself, or the public, or to the extent that such use impairs her ability to conduct with safety to the public the practice authorized by her license. The circumstances are as follows:

15. On or about June 11, 2002, Respondent used a controlled substance (Methamphetamine), as set forth above in paragraphs 12 and 13, above.

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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 License No. 502176, issued to Susan Violet Hill.

2. Ordering Susan Violet Hill 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: 10/25/04

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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