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

In the Matter of the Petition to Revoke Probation Against: GAY-PURA MABASA PADOR 1880 W. Carson St., Ste F, PMB 241 Torrance, CA 90501 Registered Nurse License No. 504479 Respondent	Case No. 98-3

DECISION AND ORDER

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

This Decision shall become effective on November 3, 2007.

IT IS SO ORDERED October 4, 2007

LaFrancine W Tate

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

EDMUND G. BROWN JR., Attorney General
of the State of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
GILLIAN E. FRIEDMAN, State Bar No. 169207
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2564
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Petition to Revoke Probation Against: GAY-PURA MABASA PADOR 1880 W. Carson St., Ste F, PMB 241 Torrance, CA 90501 Registered Nurse License No. 504479 Respondent.	Case No. 98-3 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of the Board of Registered Nursing. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Gillian E. Friedman, Deputy Attorney General.

2. Respondent Gay-Pura Mabasa Pador (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about September 23, 1994, the Board of Registered Nursing issued

Registered Nurse License No. 504479 to Respondent. The License was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 98-3 and will expire on October 31, 2008, unless renewed.

JURISDICTION

4. Petition to Revoke Probation No. 98-3 was filed before the Board and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on April 9, 2007. Respondent timely filed her Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 98-3 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation No. 98-3. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Petition to Revoke Probation No. 98-3.

9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

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

OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

DISCIPLINARY ORDER

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

IT IS HEREBY ORDERED that Registered Nurse License No. 504479 issued to Respondent Gay-Pura Mabasa Pador is revoked. However, the revocation is stayed and Respondent is placed on probation for one year on the following terms and 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.** Respondent shall obey all federal, state and local laws.

A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent 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 Respondent 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.** Respondent 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 Respondent's compliance with the Board's Probation Program. Respondent 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, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, 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. Respondent's probation is tolled, if and when she resides outside of California. Respondent 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.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status

during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. **Submit Written Reports.** Respondent, 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 Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent 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.** Respondent, 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 Respondent has not complied with this condition during the probationary term, and Respondent 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 Respondent'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.** Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent 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.

Respondent 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, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent 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.** Respondent shall obtain prior approval from the Board regarding Respondent'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.

Respondent 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.

Respondent'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 Respondent works.

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

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-

person communication with Respondent as required by the Board each work day. Respondent 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 Respondent with or without Respondent present.

9. **Employment Limitations.** Respondent 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.

Respondent 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. Respondent shall not work in any other registered nursing occupation where home visits are required.

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

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

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

If Respondent 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. **Complete a Nursing Course(s).** Respondent, 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 probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent 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

Respondent after photocopying them for its records.

11. **Cost Recovery.** 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 $2,300.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent 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 Respondent'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 will apply.

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

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent'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 Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent'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, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent'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.

ACCEPTANCE

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

DATED: 5/15/07.

Gay Pura M. Pador
GAY-PURA MABASA PADOR
Respondent

ENDORSEMENT

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

DATED: 5/17/07

EDMUND G. BROWN JR., Attorney General
of the State of California

MARC D. GREENBAUM
Supervising Deputy Attorney General

GILLIAN E. FRIEDMAN
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2007600449
60212764.wpd

Exhibit A

Petition to Revoke Probation No. 98-3

EDMUND G. BROWN JR., Attorney General
of the State of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
GILLIAN E. FRIEDMAN, State Bar No. 169207
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2564
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Petition to Revoke Probation Against: GAY-PURA MABASA PADOR a.k.a. GAY-PURA MABASA PADOR MUGOL 1880 W. Carson St., Ste F, PMB 241 Torrance, CA 90501 Registered Nurse License No. 504479 Respondent.	Case No. 98-3 **PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

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

2. On or about September 23, 1994, the Board of Registered Nursing issued Registered Nurse License No. 504479 to Gay-Pura Mabasa Pador, a.k.a. Gay-Pura Mabasa Pador Mugol (Respondent). The Registered Nurse License will expire on October 31, 2008, unless renewed.

3. In a disciplinary action entitled "In the Matter of Accusation Against Gay-Pura Pador Mugol," Case No. 98-3, the Board of Registered Nursing, Department of

Consumer Affairs (Board) issued a Decision, effective May 30, 1998, wherein Respondent's Registered Nurse License was revoked. However, the revocation was stayed and Respondent's license was placed on probation for a period of three (3) years with terms and conditions. The probation was tolled from May 30, 1998 through September 15, 1998 and thereafter tolled again from May 22, 1999 through February 1, 2005 with permission of the Board. A copy of the Decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Board under the authority of Section 2750 of the Business and Professions Code, which states:

"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 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this article, "license" includes certificate, registration, or any other authorization to engage in practice regulated by this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code [the Administrative Procedure Act], and the board shall have all the powers granted therein."

FIRST CAUSE TO REVOKE PROBATION

(Failure to Work as a Registered Nurse)

5. Respondent's Registered Nurse License number 504479 is subject to revocation of probation in that Respondent failed to comply with Condition F of the Decision, which became effective on May 30, 1998. The Decision provided that Respondent was required to engage in the practice of professional nursing in California for a minimum of 24 hours per week for a period of 6 consecutive months[1].

---

1. Condition F of probation provides:
"Respondent, during the period of probation, shall engage in the practice of professional nursing in California for a minimum of 24 hours per week (or as determined by the Board) for 6 consecutive months. Per Section 2732 of the Business and Professions Code, no person shall engage in the practice of

6. Respondent did not comply with Condition F in that she did not work as a registered nurse between the period May 30, 1998 through January 24, 2007. Much of this period was tolled as indicated above in paragraph 3, however it was not tolled after February 1, 2005. Respondent was approved to work as a registered nurse at Lakewood Park Health Center in California on January 25, 2007.

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. 98-3 and imposing the disciplinary order that was stayed thereby revoking Registered Nursing License No. 504479 issued Gay-Pura Mabasa Pador, a.k.a. Gay-Pura Mabasa Pador Mugol;

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

DATED: 3/26/07

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

LA2007600449
60201260.wpd
CML (03/02/207)

---

registered nursing without holding a license which is in an active status."

Exhibit A

Decision and Order

Board of Registered Nursing Case No. 98-3

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

In the Matter of the Accusation Against: GAY-PURA PADOR MUGOL P.O. Box 3942 Torrance, CA 90510 and/or 21813 Orrick Avenue Carson, CA 90745 Registered Nurse License No. 504479	)	CASE NO. 98-3

DECISION

The attached Stipulation for Settlement is hereby adopted by the Board of Registered Nursing as its decision in the above-entitled matter.

This decision shall become effective on MAY 30, 1998.

IT IS SO ORDERED this 30th day of April, 1998.

President
Board of Registered Nursing

DANIEL E. LUNGREN, Attorney General
of the State of California
RICHARD ARNOLD, State Bar No. 55418
Deputy Attorney General
50 Fremont Street, Suite 300
San Francisco, California 94105-2239
Telephone: (415) 356-6283

Attorneys for Complainant

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

In the Matter of the Accusation Against: GAY-PURA PADOR MUGOL P.O. Box 3942 Torrance, California 90510 and/or 21813 Orrick Avenue Carson, California 90745 Registered Nurse License No. 504479 Respondent.	NO. 98-3 **PROPOSED DECISION** **PURSUANT TO STIPULATION**

IT IS HEREBY STIPULATED by and between Gay-Pura Pador Mugol, R.N. (hereafter "respondent") by and through her counsel of record, Oscar M. Leus, and Ruth Ann Terry, R.N., Executive Officer of the Board of Registered Nursing of the State of California, by and through her attorney, Daniel E. Lungren, Attorney General of the State of California, by Richard Arnold, Deputy Attorney General, as follows:

1. Respondent has received and read the Accusation which is presently on file and pending in Case No. 98-3 before the Board of Registered Nursing of the State of California

(hereafter Board).

2. Respondent understands the nature of the charges alleged in the above-mentioned Accusation as grounds constituting cause for disciplinary action.

3. Respondent is fully aware of her right to a hearing on the charges and allegations contained in said Accusation, her right to reconsideration, to appeal and to any and all other rights which may be accorded her pursuant to the California Administrative Procedure Act, and that she hereby fully and voluntarily waives her right to a hearing, to reconsideration, to appeal and to any and all other rights which may be accorded her by the California Administrative Procedure Act with regard to said Accusation No. 98-3.

4. Ruth Ann Terry, complainant in the case as Executive Officer of the Board, made and filed the Accusation in her official capacity as such and not otherwise. That the respondent's license history and status as set forth at paragraph 2 of the Accusation are true and correct.

5. All admissions of fact and conclusions of law contained in this stipulation are made exclusively for this proceeding and any future proceedings between the Board and respondent and shall not be deemed admissions for any purpose in any other administrative, civil or criminal action, forum, or proceeding.

6. Respondent admits that she administered oral fluids inappropriately to a patient who was experiencing a diabetic related episode.

7. The admission in paragraph 6 above constitutes a violation of Business and Professions Code section 2761(a) and is, therefore, cause for disciplinary action.

8. That, based on the foregoing recitals,

IT IS HEREBY STIPULATED AND AGREED THAT the Board may issue a decision upon this stipulation whereby the Registered Nurse License No. 504479 heretofore issued to respondent by the Board is hereby revoked; provided, however, that the execution of this order of revocation is stayed, and respondent is placed on probation for a period of three (3) years, upon the following terms and conditions:

a. Respondent shall obey all federal, state and local laws, and all rules, and regulations of the Board of Registered Nursing governing the practice of nursing in California. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit completed fingerprint cards and fees within 45 days of effective date of the decision, unless previously submitted as part of the licensure application process.

b. Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Program. Respondent 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.

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

d. Periods of residency or practice outside of California will not apply to the reduction of this probationary term. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.

e. Respondent, during the period of probation, shall submit such written reports/declarations and verification of actions under penalty of perjury as are required. These declarations shall contain statements relative to respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

f. Respondent, during the period of probation, shall engage in the practice of professional nursing in California for a minimum of 24 hours per week (or as determined by the Board) for 6 consecutive months. Per Section 2732 of the Business and Professions Code, no person shall engage in the practice of registered nursing without holding a license which is in an active status.

g. The Board shall be informed of and approve of each agency for which the respondent provides nursing services prior

to respondent's commencement of work. The respondent shall inform her employer of the reason for and the terms and conditions of probation and shall provide a copy of the Board's decision and order to her employer and immediate supervisor. The employer shall submit performance evaluations and other reports as requested by the Board. Respondent is also required to notify the Board in writing within seventy-two (72) hours after termination of any nursing employment. Any notification of termination shall contain a full explanation of the circumstances surrounding it.

h. The Board shall be informed of and approve of the level of supervision provided to the respondent while she is functioning as a registered nurse. The appropriate level of supervision must be approved by the Board prior to commencement of work. Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing.

i. Respondent may not work for a nurse registry; temporary nurse agency; homecare agency; in-house nursing pool; as a nursing supervisor; as a faculty member in an approved school of nursing; or as an instructor in a Board approved continuing education program. Respondent must work only on regularly assigned, identified and predetermined worksite(s) with appropriate supervision as approved by the Board.

j. Respondent at her expense, shall begin and successfully complete a course(s) in nursing as directed by the Board prior to engaging in the practice of nursing and prior to

the end of the probationary term.

The respondent may be suspended from practicing nursing until the necessary course work is completed. The content of such course(s) and the place and conditions of instruction shall be specified by Board representatives at the time of the initial probation meeting based on the nature of the violation(s). Specific courses must be approved prior to enrollment. The respondent must submit written proof of enrollment and proof of successful completion. Transcripts or certificates of completion must be mailed directly to the Board by the agency or entity instructing the respondent.

Home study or correspondence courses are not acceptable and will not be approved.

k. 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 $3000.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

l. If respondent violates the conditions of her probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline of the respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the

respondent'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. Upon successful completion of probation, the respondent's license will be fully restored.

9. IT IS FURTHER STIPULATED AND AGREED that the terms set forth herein shall be null and void, and in no way binding upon the parties hereto, unless and until accepted by the Board.

DATED: NOV 17, 1997

DANIEL E. LUNGREN, Attorney General
of the State of California

Richard Arnold

RICHARD ARNOLD
Deputy Attorney General
Attorneys for Complainant

DATED: NOVEMBER 05, 1997

Oscar M. Leus

OSCAR M. LEUS
Attorney for Respondent

I HEREBY DECLARE that I have read this Proposed Decision Pursuant to Stipulation in its entirety; that my attorney of record has fully explained to me the legal significance and consequences thereof, that I fully understand all of same and

//

//

//

IN WITNESS THEREOF, I affix my signature this 5th day of NOVEMBER, 1997, at CARSON, California.

Gay P. Mugol

GAY-PURA PADOR MUGOL
Respondent

RA:pp
03579110-
SF96AD0701

COPY

DANIEL E. LUNGREN, Attorney General
of the State of California
RICHARD ARNOLD, State Bar No. 55418
Deputy Attorney General
50 Fremont Street, Suite 300
San Francisco, California 94105-2239
Telephone: (415) 356-6283

Attorneys for Complainant

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

In the Matter of the Accusation Against: GAY-PURA PADOR MUGOL, aka GAY-PURA MABASA PADOR and GAY-PURA MABASA PADOR MUGOL P.O. Box 3942 Torrance, California 90510 and/or 21813 Orrick Avenue Carson, California 90745 Registered Nurse License No. 504479 Respondent.	NO. 93-3 ACCUSATION

Ruth Ann Terry, M.P.H., R.N., for causes for discipline, alleges:

1. Complainant Ruth Ann Terry, M.P.H., R.N., makes and files this accusation in her official capacity as Executive Officer, Board of Registered Nursing, Department of Consumer Affairs.

/ / /

2. On September 23, 1994, the Board of Registered Nursing issued registered nurse license number 504479 to Gay-Pura Pador Mugol, also known as Gay-Pura Mabasa Pador and Gay-Pura Mabasa Pador Mugol. The license was in full force and effect at all times pertinent herein and has been renewed through October 31, 1998.

3. Under Business and Professions Code section 2750, the Board of Registered Nursing may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 of the Nursing Practice Act.

Under Business and Professions Code section 2764, 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 surrender of a license by a licentiate shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license.

Under Business and Professions Code section 125.3, 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.

/ / /

/ / /

/ / /

FACTS

4. Respondent was employed by Cypress Rehabilitation and Nursing in Santa Cruz, California, as a registered nurse. On January 3, 1995, Certified Nursing Assistant (CNA) E.F. found patient H.V.[1] unconscious, laying in bed, and vomiting. CNA E.F. informed respondent of patient H.V.'s condition. Respondent observed patient H.V. as unresponsive and pale with cold and clammy skin. The respondent tested patient H.V.'s blood sugar level and found it to be low. At approximately 10:20 a.m., respondent started a bolus of sugar mixed with pineapple juice. At an unspecified time, while patient H.V. was unconscious, respondent poured "Coke" into patient H.V.'s mouth. When the paramedics arrived, they saw patient H.V. in a sitting position, unconscious, diaphoretic[2], and pale, and witnessed "Coke" being administered to patient H.V. Patient H.V. was admitted to the Dominican Santa Cruz Hospital's emergency room and treated for hypoglycemia and aspiration pneumonia.[3] Patient H.V. had "diffuse course rhonchi[4]" in both lungs, and upon intubation, an unidentified brownish fluid consistent with some kind of sugar oral supplement was removed from her lungs.

/ / /

---

1. An 84 year old patient, with a history of insulin-dependent diabetes, congestive heart failure, breast cancer, and Alzheimer's disease.

2. Perspiring.

3. A continuous pneumonia caused by inhaling food or fluid due to a dysfunction of the sphincter allowing stomach contents to come back up.

4. Evidence of fluid in the lungs.

5. Respondent has subjected her license to discipline under Business and Professions Code section 2761(a)(1) on the grounds of unprofessional conduct in that while employed as a registered nurse at Cypress Rehabilitation and Nursing in Santa Cruz, California, she was guilty of gross negligence, within the meaning of Title 16, California Code of Regulations, section 1442, in that on January 3, 1995, she administered or supervised the administration of "Coke" to an unconscious patient.

Such conduct constitutes an extreme departure from the standard of care which, under similar circumstances, would have been exercised by a competent nurse.

6. Respondent has subjected her license to discipline under Business and Professions Code section 2761(a) on the grounds of unprofessional conduct, in that while on duty as a registered nurse at Cypress Rehabilitation and Nursing in Santa Cruz, California, she was guilty of the act as set forth in paragraph 5 above.

WHEREFORE, complainant prays that a hearing be held and that the Board of Registered Nursing make its order:

1. Revoking or suspending registered nurse license number 504479, issued to Gay-Pura Pador Mugol, also known as Gay-Pura Mabasa Pador and Gay-Pura Mabasa Pador Mugol.

2. Ordering Gay-Pura Pador Mugol, also known as Gay-Pura Mabasa Pador and Gay-Pura Mabasa Pador Mugol to pay to the Board its costs in investigating and enforcing the case according

to proof at the hearing, pursuant to Business and Professions Code section 125.3.

3. Taking such other and further action as may be deemed proper and appropriate.

DATED: July 14, 1997

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

Complainant

03579110-
SF96AD0701
(er 4/24/97)