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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: **TINA TAUBMAN PEEK, aka** **TINA MONIQUE PEEK** **1536 SE Booth Avenue** **Roseburg, OR 97470** **Registered Nurse License No. RN 586056** Respondent.	Case No. 2011-151 **ACCUSATION**

Complainant alleges:

PARTIES

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

License History

2. On or about August 22, 2001, the Board of Registered Nursing issued Registered Nurse License Number RN 586056 ("license") to Tina Taubman Peek, also known as Tina Monique Peek ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2011, unless renewed.

JURISDICTION

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

4. Code section 2750 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.

5. Code section 2764, 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.

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

STATUTORY PROVISIONS

7. Code section 2761 states, in pertinent part:

> The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
>
> (a) Unprofessional conduct, which includes, but is not limited to, the following:
>
> (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

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

CAUSE FOR DISCIPLINE

(Out-of-State Discipline)

9. Respondent's license is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's Registered Nurse Licenses were disciplined by State Boards of Nursing, as follows:

Oregon State Board of Nursing ("Oregon Board")

a. In the action entitled, *In the Matter of Tina Monique Peek, RN., License No. 200440033RN. Case Number 08-023,* effective January 13, 2010, the Oregon Board issued its Final Order to accept Respondent's Stipulation for Voluntary Surrender of Registered Nurse License ("Stipulation"). Pursuant to the Oregon Board's findings in the Stipulation, Respondent was terminated on July 26, 2007, from her employment as a charge nurse at Baycrest Health Center in Oregon for: failing to document reasons or indications for giving PRN medications to eleven patients without physician orders; neglecting to report the PRN administration or medications to the on-coming dayshift nurse; failure to follow the facility's procedures by having a witness sign off on narcotics wastage; over-medicating the patients; making multiple medication errors; and, falsifying medical records.

A copy of the Final Order and Stipulation for Voluntary Surrender of Registered Nurse License are attached as Exhibit A, and are incorporated herein.

North Carolina Board of Nursing ("North Carolina Board")

b. In the action entitled, *In the Matter Involving: Tina Taubman Peek, Registered Nurse Certificate No. #139237*, effective February 4, 2010, the North Carolina Board issued a Summary Action Order suspending Respondent's Registered Nurse License No. 139237, and ordering Respondent to immediately cease and desist from the practice of nursing in North Carolina. The disciplinary action was based on the disciplinary action taken by the Oregon State Board of Nursing, as set forth in paragraph a, above.

A copy of the Summary Action Order is attached as Exhibit B and is incorporated herein.

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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 Number RN 586056 issued to Tina Taubman Peek, also known as Tina Monique Peek;

2. Ordering Tina Taubman Peek, also known as Tina Monique Peek, to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: 8/24/10

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

BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of	)	
	)	FINAL ORDER
Tina Monique Peek, RN	)	
License No. 200440033RN	)	Case No. 08-023

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses, in the State of Oregon. Tina Peek (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on January 13, 2010. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender of Registered Nurse License signed by Licensee on November 25, 2009 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation for Voluntary Surrender of Registered Nurse License and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the stipulation.

It is hereby ORDERED that the stipulation signed by the Licensee on November 25, 2009 be approved and by this reference incorporated herein, and

It is further ORDERED that the Board accept the Voluntary Surrender of Tina Peek's Registered Nurse License and the Stipulation for Voluntary Surrender be adopted.

DATED this 13 day of January, 2010

Patricia Markesino RN

Patricia Markesino, RN
Board President

BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON

In the Matter of	) STIPULATION FOR
	) VOLUNTARY SURRENDER OF
Tina Monique Peek, RN	) REGISTERED NURSE LICENSE
	)
License No: 200440033RN	) Case No. 08-023

Tina Peek, hereinafter referred to as "Licensee" is a Registered Nurse (RN) in the state of Oregon. Her license expired on April 23, 2008.

Licensee was first licensed in Oregon in 2004 by endorsement. Licensee is currently licensed as a Registered Nurse in North Carolina, Washington, ~~Tennessee~~, Arizona, and California.

Licensee came to the Board's attention on July 27, 2009 and the Board finds the following:

On July 16, 2007, Licensee was hired by Bayerest Health Center, as a charge nurse on their skilled unit. On the evenings of July 20, 2007 and July 21, 2007, Licensee had been floated to the ICF unit to work 7:00 p.m. to 7:00 a.m., where she was responsible for the administration of patients' medications. She stated to the aides that "she wanted to have a good night "and to twelve patients she administered PRN medications including muscle relaxants, analgesics, sedatives-hypnotics, and anxiolytics, that were either not ordered, or PRN medications that were not requested by the patient, calling them "drug cocktails."

On July 21, 2007, at approximately 5:00 a.m., Licensee attempted to medicate EW, an alert, cognitively intact patient, by putting a pill in her mouth while she was sleeping. When EW awakened, Licensee told her it was a muscle relaxant, at which time EW informed Licensee that she did not take a muscle relaxant and did not routinely get any medications until breakfast time. EW did not have a physicians' order for muscle relaxants.

On July 21, 2007 at approximately 8:00 p.m., Licensee brought in a pill, submerged in applesauce, to give to EW, explaining that the medication was to help her "rest good" and help her to sleep. EW told her she did not take any sleeping medication, at which time Licensee explained that it was pain medication. EW refused the medication, stating that if she needed pain medication she would ask for it. Licensee documented in EW's medical record that on 7/22/07 at 1:30 a.m. EW "cont to c/o a headache. Brought 2nd Norco since first had been wasted. Received above speech again. Wasted 2nd Norco."

Licensee failed to document reasons or indications for giving PRN medications to eleven residents. She neglected to report the PRN administration of medications to the on-coming dayshift nurse on either day. She did not follow the facility's procedures by having a witness sign off on the narcotics disposal. Licensee was terminated from Bayerest Health Center on July 26, 2007 for overmedicating patients, making multiple medication errors, and for falsifying medical records.

On July 27, 2007 Licensee signed an Interim Order of Consent, voluntarily removing herself from practice in Oregon. Licensee neither admits nor denies the Board's findings. Licensee wishes to cooperate with the Board and agrees to voluntarily surrender her license.

STATUTES, RULES, AND BOARD POLICIES RELATED TO THIS CASE:
ORS 678.111(1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.
(g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.
(i) Physical or mental condition that makes the licensee unable to conduct safely the practice for which the licensee is licensed.

Conduct Derogatory to the Standards of Nursing Defined
OAR 851-045-0015
Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(1) Conduct related to the client's safety and integrity:
(a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.
(e) Failing to implement and/or follow through with the plan of care.
(l) Failing to respect the dignity and rights of clients, regardless of social or economic status, age, race, religion, sex, sexual preference, national origin, nature of health problems or disability.

(2) Conduct related to other federal or state statute/rule violations:
(h) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(3) Conduct related to communication:
(a) Inaccurate recordkeeping in client or agency records.
(b) Incomplete recordkeeping regarding client care; including but not limited to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given.
(c) Falsifying a client or agency record; including but not limited to filling in someone else's omissions, signing someone else's name, recording care not given, fabricating data/values.
(g) Failing to maintain client records in a timely manner which accurately reflects management of client care, including failure to make a late entry within a reasonable time period.
(h) Failing to communicate information regarding the client's status to members of the health care team (physician, nurse practitioner, nursing supervisor, nurse co-worker) in an ongoing and timely manner.

(4) Conduct related to achieving and maintaining clinical competency:
(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

(5) Conduct related to impaired function:
(b) Practicing nursing when unable/unfit to perform procedures and/or make decisions due to psychological or mental impairment as evidenced by documented deterioration of functioning in the practice setting and/or by the assessment of a health care provider qualified to diagnose mental condition/status.

Licensee wishes to cooperate with the Board and she agrees to voluntarily surrender her Registered Nurse License.

Licensee understands that this Stipulation will be submitted to the Board of Nursing for their approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Agreement she waives the right to an administrative hearing.

Licensee acknowledges that no promises or representations have been used to induce her to sign this Stipulation.

Licensee has read the Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

DATED this 25 day of November, 2009.

Tina Peck

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Linda Fischer-Lewis
Program Executive
Complaints Investigation and Practice

Tammy Palumbo, RN
Investigator/Advisor
Nursing Practice

Exhibit B

BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the Matter Involving:

Tina Taubman Peek **SUMMARY ACTION ORDER**

Registered Nurse Certificate # 139237

Pursuant to the authority vested by Article 9A, Chapter 90 of the General Statutes of North Carolina and Article 3A of Chapter 150B-38 of the General Statutes of North Carolina, the North Carolina Board of Nursing (hereafter known as the Board) issues the following **Order** based on action taken in the State of Oregon.

1. Tina Monique Taubman Peek is the holder of RN Certificate #139237 which expires on April 30, 2010.

2. The North Carolina Board of Nursing has received information from the Oregon Board of Nursing that indicates Ms. Peek voluntarily surrendered her license on November 25, 2009, following a complaint that was received regarding her practice. The voluntary surrender was ratified by the Board and became effective January 13, 2010.

3. A Stipulation for Voluntary Surrender of Registered Nurse License was issued by the State of Oregon based on incidents that occurred on July 16, 2007 when Ms. Peek was working as a charge nurse in a long-term care facility. She administered p.r.n. medications, including muscle relaxants, analgesics, sedatives/hypnotics and axiolytics that were either not ordered, or they were p.r.n. medications the patient did not request. Ms. Peek called these medications "drug cocktails."

4. On July 21, 2007, Ms. Peek attempted to medicate an alert and cognitively intact patient, by putting a pill in her mouth while she was sleeping. The patient awakened and Ms. Peek told her it was a muscle relaxant. The patient informed Ms. Peek she did not take a muscle relaxant.

   Later that day, Ms. Peek attempted to give the same patient a sleeping pill submerged in applesauce. The patient explained that she did not take a sleeping medication. Ms. Peek then attempted to give her a pain pill. The patient informed her that she did not need a pain pill and would request one if she did.

5. Ms. Peek failed to document reasons or indications for giving the p.r.n. medications to eleven (11) residents. She neglected to report the p.r.n. administration of medications to the oncoming day shift nurse. She did not follow the facilities procedures for having a witness sign off on the narcotic disposal. Ms. Peek was terminated from the long-term care facility on July 26, 2007 for overmedicating patients, making multiple medication errors and for falsifying medical records.

6. North Carolina General Statute 90-171.37 and 21 NCAC 36.0217(d) allows the North Carolina Board of Nursing to take **SUMMARY ACTION** against a licensee if a North Carolina licensee holds a license in another jurisdiction and receives action in that jurisdiction. The Board's policies allow the North Carolina Board of Nursing to summarily impose the same or lesser disciplinary action on a licensee's license upon receipt of the discipline action in another jurisdiction. Actions may be taken based on this policy if the Findings of Fact in the Final Order is found to be a violation of the North Carolina Nursing Practice Act.

7. Therefore, the North Carolina Registered Nurse license of Tina Monique Taubman Peek is hereby **SUSPENDED** and Ms. Peek must **Immediately Cease and Desist** from the practice of nursing in North Carolina.

BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the Matter Involving:

Tina Taubman Peek SUMMARY ACTION ORDER

Registered Nurse Certificate # 139237

8. In accordance with Chapter 150B of the General Statutes, the licensee is entitled to a "Show Cause" Hearing before a majority of the members of the Board to determine why the Board should not take further action.

9. The licensee is entitled to be represented by counsel and to present evidence and witnesses/testimony on the licensee's behalf.

10. Pursuant to North Carolina General Statute Section 150B-40(d), the licensee may not communicate, directly or indirectly, with any individual member of the Board about this matter. If the licensee or legal representative has questions, they should contact Donna H. Mooney, RN, Manager of Discipline Proceedings.

11. In the event the Board determines the Licensee has violated any of the conditions of this ORDER, and the Licensee disputes that such a violation of the conditions has occurred, then the Licensee agrees the Licensee must file such objection in writing with the Board WITHIN TEN (10) BUSINESS DAYS of the date of the notice of the violations to the Licensee. The notice to the Board shall contain with specificity the violations disputed.

12. When the Licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties. A Show Cause Hearing for a Summary Action is limited to:

    a) showing that you are the person who had the action taken in the state of Oregon
    b) that the action, had it occurred in North Carolina, would also be a violation of our Nursing Practice Act
    c) that the sanction that was imposed is consistent with the sanction that would be imposed if the act had occurred in North Carolina.

13. If the licensee is not contesting the violations contained in this ORDER, the licensee may request to appear before the Licensure Committee to petition for reinstatement of the license.

14. If the licensee is disputing the fact that the violations as alleged did occur, the licensee must file a written objection with the Board within ten (10) business days of the date of the notice of violations to Tina Taubman Peek. The notice must contain with specificity the violations being disputed.

15. When the licensee has properly filed notice of objections with the Board, then the licensee will be notified of the exact date and time for the "Show Cause" Hearing. The Hearing will be held at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.

16. Failure to return the written objection within the designated time period will be construed to mean the licensee is not contesting the matter and all further proceedings to which the licensee is otherwise entitled by law are hereby waived.

BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the Matter Involving:

Tina Taubman Peek — SUMMARY ACTION ORDER

Registered Nurse Certificate # 139237

The license will then remain suspended until the licensee requests in writing the opportunity to appear before the Licensure Committee to petition for reinstatement.

17. This ORDER to Suspend will be placed in the licensee's file and becomes a public record pursuant to the North Carolina Public Record Statute G.S. Chapter 132 and Board policy.

18. By not contesting the violations contained in this ORDER, the licensee is waiving the rights to a "Show Cause" Hearing, to challenge the validity of this ORDER and to any further proceedings to which the licensee may be entitled by law.

19. By contesting the violations contained in this ORDER, the licensee is requesting a "Show Cause" Hearing to be scheduled before a majority of the members of the Board.

    The licensee understands that a written objection with the specific violations/charges being disputed must be received within ten (10) business days of the date of this notice.

    When the licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.

20. In accordance with G.S. 90-171.27(d) and Board policy derived therefrom, a fee may be assessed for disciplinary matters. A Show Cause Hearing is considered a discipline action.

FAILURE TO RETURN THE ATTACHED PAGE WITHIN TEN (10) BUSINESS DAYS WILL RESULT IN THE LICENSEE WAIVING ALL RIGHTS TO CHALLENGE THE VALIDITY OF THIS ORDER OR TO ANY OTHER PROCEEDINGS TO WHICH THE LICENSEE MAY OTHERWISE BE ENTITLED BY LAW.

This the 4th day of February, 2010

Julia L. George

Julia L. George, RN, MSN, FRE
Executive Director
North Carolina Board of Nursing

BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the Matter Involving:

Tina Taubman Peek

SUMMARY ACTION ORDER

Registered Nurse Certificate # 139237

TINA TAUBMAN PEEK

PLEASE RETURN THIS PAGE COMPLETED WITHIN TEN (10) BUSINESS DAYS.

Initial the appropriate response, date and sign the document and return to Donna Mooney, RN, Manager of Discipline Proceedings

By not contesting the violations contained in this ORDER, the licensee is waiving the rights to a "Show Cause" Hearing, to challenge the validity of this ORDER and to any further proceedings to which the licensee may be entitled by law.

_____ I do not contest the information reported and I do not wish to have a "Show Cause" Hearing. I will be scheduled to appear before the Licensure Committee to petition for reinstatement.

By contesting the violations contained in this ORDER, the licensee is requesting a "Show Cause" Hearing to be scheduled before a majority of the members of the Board.

The licensee understands that he/she must file a written objection with the specific violations/charges being disputed. The licensee understands the written objections must be received within ten (10) business days of the date of this notice.

The subject of the "Show Cause" Hearing shall be limited to the specific reasons for which the license was suspended/revoked.

When the licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.

_____ I am requesting a "Show Cause" Hearing, and I understand I must meet all conditions as outlined above.

_____
LICENSEE'S NAME

_____
DATE