EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR TAGGART
Supervising Deputy Attorney General
STERLING A. SMITH, State Bar No. 84287
Deputy Attorney General
California Department of Justice
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 323-3795
Facsimile: (916) 324-5567

Attorneys for Complainant

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

In the Matter of the Accusation Against: **RENEE LYNN STOLL DECK aka** **RENEE LYNN DECK, aka** **RENEE L. DECK** 215 Barsow Street Horicon, WI 53032 **Registered Nursing License No. 651559** Respondent.	Case No. 2008-61 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 2, 2007, 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. 2008-61 against Renee Lynn Stoll Deck, also known as Renee Lynn Deck also known as Renee L. Deck (Respondent), before the Board of Registered Nursing ("Board").

2. On or about January 27, 2005, the Board issued Registered Nurse License No. 651559 to Respondent. The Nursing License expired on April 30, 2006, and has not been renewed.

///

3. On or about August 27, 2007, Kasey P. Arismende, an employee of the Department of Justice, served copies of the Accusation No. 2008-61, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 upon Respondent by Certified Mail and also by First Class Mail at Respondent's address of record with the Board, which was and now is 215 Barsow Street, Horicon, Wisconsin 53032,' and also to Respondent at 500 Farrell Drive, Palm Springs, California 92264. A copy of the Accusation, the related documents, and Declaration of Service are attached as exhibit A, and are 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. As of September 28, 2007, no response or other communication from Respondent, or anyone purporting to act on her behalf, has been received in response to service of the Accusation or at all.

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 or at all, and therefore waived her right to a hearing on the merits of Accusation No. 2008-61.

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 that 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 exhibit A, finds that the allegations in Accusation No. 2008-61 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Renee Lynn Stoll Deck, aka Renee Lynn Deck aka Renee L. Deck has subjected her Registered Nursing License No. 651559 to discipline.

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

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

4. The Board is authorized to revoke Respondent's Registered Nursing License by section 2761(f) of the Business and Professions Code because she suffered the following criminal convictions, each of which is substantially related to the qualifications, functions or duties of a registered nurse within the meaning of California Code of Regulations, title 16, section 1444:

a. On or about December 10, 2002, Respondent was convicted upon plea of no contest for violating Wisconsin Statutes section 946.49, subdivision (a)(1) (bail jumping) in the case entitled "State of Wisconsin v. Renee L. Deck" (Cir. Ct. Dodge County, 2002, No. 2002CM000329).The circumstances were that on or about April 13, 2002, Respondent, having

been charged with a misdemeanor in Dodge County Case No. 02CM 6, and having been released from custody under Chapter 969 of the Wisconsin Statutes, Respondent intentionally failed to comply with the terms of that bond, contrary to Wisconsin Statutes section 949.49(1)(a).

b. On or about July 20, 2001 Respondent was convicted upon a plea of no contest for violating Wisconsin Statutes section 947.01 (disorderly conduct), in the case entitled "State of Wisconsin v. Renee L. Deck" (Cir. Ct. Columbia County, 2001, No.01 CM000404). The circumstances were that on or about June 4, 2001, Respondent, in a public or private place, engaged in profane, indecent, unreasonably loud, abusive, violent, boisterous or otherwise disorderly conduct, under circumstances in which her conduct tended to provoke a disturbance, contrary to sec. 947.01, Wisconsin Stats., a Class B Misdemeanor.

c. On or about January 6, 2004, Respondent was convicted upon a plea of guilty for violating Wisconsin Statutes section 947.01 (disorderly conduct), in the case entitled "State of Wisconsin v. Renee L. Deck" (Cir. Ct. Branch 2, Jefferson County, 2004, No.2003CM000240). The circumstances were that on or about September 25, 2002, Respondent in a public or private place, engaged in profane, indecent, unreasonably loud, abusive, violent, boisterous or otherwise disorderly conduct, under circumstances in which her conduct tended to provoke a disturbance, contrary to sec. 947.01, Wisconsin Stats., a Class B Misdemeanor.

d. On or about June 25, 2005, Respondent violated section 2761(f) of the Business and Professions Code because she was convicted upon a plea of guilty for violating Penal Code section 647(f) (public intoxication), in the case entitled "People v. Renee L. Deck aka Renee Lynn Deck" (Super. Ct. Orange County, 2005, No.05WF1090).The circumstances were that on or about April 10, 2005, Respondent was unlawfully in a public place under the influence of an intoxicating liquor, a drug, toluene, a controlled substance, and a combination thereof, in such a condition that she was unable to care for her own safety and the safety of others.

4. The Board is authorized to revoke Respondent's Registered Nursing License under section 2761(b) of Business & Professions Code, because on or about August 27, 2004, Respondent falsely represented in her application to the Board for licensure that she was

not convicted of offenses other than minor traffic violations. In fact, she had suffered conviction of the offenses set forth in sub-parts (a) and (b) of Paragraph 4 above.

5. The Board is authorized to revoke Respondent's Registered Nursing License under section 2761(b) of Business & Professions Code, because on or about August 27, 2004, Respondent procured her nursing license by falsely representing in her application to the Board that she was not convicted of offenses other than minor traffic violations. In fact, she was convicted of the offenses set forth in sub-parts (a) and (b) of Paragraph 4 above.

6. The Board is authorized to revoke Respondent's Registered Nursing License under section 2762(b) of Business & Professions Code, because she used an intoxicating liquor, a drug, toluene, a controlled substance, and a combination thereof, to such an extent and in such a manner as to be dangerous or injurious to Respondent, another person, or the public.

7. The Board is authorized to revoke Respondent's Registered Nursing License under section 2762(c) of Business & Professions Code, because she suffered conviction of a criminal offense involving the consumption of an intoxicating liquor, a drug toluene, a controlled substance and a combination thereof.

///

///

///

///

///

///

///

///

///

///

///

///

///

ORDER

IT IS SO ORDERED that Registered Nursing License No. 651559, heretofore issued to Respondent Rene Lynn Deck, 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 December 28, 2007.

It is so ORDERED November 28, 2007

LaFrancine M Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Default and Order.wpd
DOJ docket number:SA2007101523

Attachments:

Exhibit A: Copy of Accusation No.2008-61, Related Documents, and Declaration of Service

Exhibit A

Accusation No. 2008-61,
Related Documents and Declaration of Service

BILL LOCKYER, Attorney General
of the State of California
ARTHUR TAGGART
Supervising Deputy Attorney General
STERLING A. SMITH, State Bar No. 84287
Deputy Attorney General
California Department of Justice
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 323-37958
Facsimile: (916) 324-5567

Attorneys for Complainant

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

In the Matter of the Accusation Against: **RENEE LYNN STOLL DECK, aka** **RENEE LYNN DECK, aka** **RENEE L. DECK** 215 Barsow Street Horicon, WI 53032 **Registered Nurse License No. 651559,** Respondent.	Case No. 2008-61 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about January 27, 2005, the Board of Registered Nursing ("Board") issued Registered Nurse License Number 651559 to Renee Lynn Stoll Deck, also known as Renee Lynn Deck, also known as Renee L. Deck ("Respondent"). The license expired on April 30, 2006, and has not been renewed.

///

///

JURISDICTION

3. Section 2750 of the Business and Professions Code ("Code") provides:

> 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.

4. Code section 2764 provides:

> 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.

STATUTORY PROVISIONS

5. Code section 2761 provides, 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 . . .
>
> (b) Procuring his or her certificate or license by fraud, misrepresentation, or mistake.
>
> . . . .
>
> (e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license.
>
> (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

///

///

6. Code section 2762 provides, in pertinent part:

> In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:
>
> . . . .
>
> (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
>
> (c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

7. Code section 4022 provides:

> "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:
>
> (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.
>
> (b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.
>
> (c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

8. Code section 125.3 provides 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.

///

REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1444, provides, in pertinent part:

> A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

DRUGS

10. "Toluene" is a dangerous drug within the meaning of Code section 4022.

APPLICATION FOR LICENSURE

11. On or about August 27, 2004, the Board received an Application for Licensure by Endorsement from Respondent, which was signed by Respondent on or about August 27, 2004, certifying under penalty of perjury to the truthfulness of all statements, answers, and representations contained therein. In that application, Respondent indicated "no" to the question which asked, "Have you ever been convicted of any offense other than minor traffic violations?" On or about January 27, 2005, the Board issued Registered Nurse License Number 651559 to Respondent.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Crimes)

12. Respondent's license is subject to discipline under Code section 2761, subdivision (f), in that Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a registered nurse within the meaning of California Code of Regulations, title 16, section 1444, as follows:

a. On or about December 10, 2002, in the case entitled, *"State of Wisconsin v. Renee L. Deck"* (Cir. Ct. Dodge County, 2002, No. 2002CM000329), Respondent was convicted by the court upon a plea of no contest of violating Wisconsin Statutes section 946.49, subdivision (a)(1) (bail jumping). As set forth in the Amended Criminal Complaint, the circumstances of the conviction are that on or about April 13, 2002, Respondent, having been charged with a misdemeanor in Dodge County Case No. 02 CM 6, and having been released

from custody under Chapter 969 of the Wisconsin Statutes, Respondent did intentionally fail to comply with the terms of that bond, contrary to Wisconsin Statutes section 946.49(1)(a).

b. On or about July 20, 2001, in the case entitled, *"State of Wisconsin v. Renee Lynn Deck"* (Cir. Ct. Columbia County, 2001, No. 01 CM000404), Respondent was convicted by the court upon a plea of no contest of violating Wisconsin Statutes section 947.01 (disorderly conduct). As set forth in the Criminal Complaint, the circumstances of the conviction are that on or about June 4, 2001, Respondent did, in a public or private place, engage in profane, indecent, unreasonably loud, abusive, violent, boisterous or otherwise disorderly conduct, under circumstances in which sub conduct tended to provoke a disturbance, contrary to sec. 947.01 Wis. Stats., a Class B Misdemeanor.

c. On or about January 6, 2004, in the case entitled, *"State of Wisconsin v. Renee L. Deck"* (Cir. Ct. Branch 2, Jefferson County, 2004, No. 2003CM000240), Respondent was convicted by the court upon a plea of guilty of violating Wisconsin Statutes section 947.01 (disorderly conduct). As set forth in the Criminal Complaint, the circumstances of the conviction are that on or about September 25, 2002, Respondent, in a public or private place, engaged in profane, conduct, under circumstance in which such conduct tended to cause a disturbance, contrary to Wisconsin Statutes section 947.01., a Class B Misdemeanor.

d. On or about June 28, 2005, in the case entitled, *"People v. Renee L. Deck, aka Renee Lynn Deck"* (Super. Ct. Orange County, 2005, No. 05WF1090), Respondent was convicted upon a plea of guilty of violating Penal Code section 647, subdivision (f) (public intoxication). As set forth in the Felony Complaint, the circumstances of the conviction are that on or about April 10, 2005, Respondent was unlawfully in a public place under the influence of an intoxicating liquor, a drug, toluene, a controlled substance, and a combination thereof, in such a condition that Respondent was unable to exercise care for her own safety and the safety of others.

///

///

///

SECOND CAUSE FOR DISCIPLINE

(False Information in an Application for Licensure)

13. Respondent's license is subject to discipline under Code section 2761, subdivision (e), in that in Respondent's Application for Licensure by Endorsement, signed under penalty of perjury on August 27, 2004, Respondent falsely represented that she had not been convicted of offenses other than minor traffic violations. In fact, Respondent had been convicted of the offenses set forth under paragraphs 12(a) and 12(b), above.

THIRD CAUSE FOR DISCIPLINE

(Procuring a License by Fraud and/or Misrepresentation)

14. Respondent's license is subject to discipline under Code section 2761, subdivision (b), in that as set forth under paragraph 11 above, Respondent procured Registered Nurse License Number 651559, by falsely representing that she had not been convicted of offenses other than minor traffic violations. In fact, Respondent had been convicted of the offenses set forth under paragraphs 12(a) and 12(b), above.

FOURTH CAUSE FOR DISCIPLINE

(Use of a Dangerous Drug)

15. Respondent's license is subject to discipline for unprofessional conduct under Code section 2762, subdivision (b), in that, as set forth under paragraph 12(d), above, Respondent used an intoxicating liquor, a drug, toluene, a controlled substance, and a combination thereof, to such an extent and in such a manner as to be dangerous or injurious to Respondent, another person, or the public.

FIFTH CAUSE FOR DISCIPLINE

(Conviction of a Criminal Offense Involving the Consumption of a Dangerous Drug)

16. Respondent's license is subject to discipline for unprofessional conduct under Code section 2762, subdivision (c), in that, as set forth under paragraph 12(d), above, Respondent was convicted of a criminal offense involving the consumption of an intoxicating liquor, a drug, toluene, a controlled substance, and a combination thereof.

PRAYER

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

1. Revoking or suspending Registered Nurse License Number 651559, issued to Renee Lynn Stoll Deck, also known as Renee Lynn Deck, also known as Renee L. Deck;

2. Ordering Renee Lynn Stoll Deck, also known as Renee Lynn Deck, also known as Renee L. Deck to pay the reasonable costs incurred by the Board in 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: 8/14/07

Elliot Hochberg for

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

03579110-SA2006100573
10363251.wpd
rjt 06/16/06