

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

In the Matter of the Accusation Against:

KYLE RAFE CORLEY
11580 Dry Creek Road
Auburn, CA 95602

And

700 Palmetto
Pacifica, CA 94044

Registered Nurse License No. 654177

Respondent

Case No. 2007-68

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on January 18, 2009

IT IS SO ORDERED December 18, 2008

L. Francine W. Tate

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



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia Thomas
Executive Director of the Board

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART,
Supervising Deputy Attorney General
3 ELENA L. ALMANZO,
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
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8 Attorneys for Complainant

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:
14
15 KYLE RAFE CORLEY
700 Palmetto
Pacifica, California 94044
16
17 Registered Nurse No. 654177
Respondent.

Case No. 2007-68

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

20 PARTIES

- 21 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer
22 of the Board of Registered Nursing. She brought this action solely in her official capacity
23 and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
24 California, by Elena L. Almanzo, Deputy Attorney General.
- 25 2. Respondent Kyle Rafe Corley (Respondent) is represented in this
26 proceeding by attorney Mary E. Work, 1334 Park View Avenue, Suite 100, Manhattan
27 Beach, California 90266.

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2007-68.

9. Respondent agrees that his Registered Nurse is subject to discipline and he agrees to be bound by the Board of Registered Nursing (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 or his counsel. 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 No. 654177 issued to Respondent Kyle Rafe Corley (Respondent) is revoked. However, the revocation is stayed

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1 and Respondent is placed on probation for three (3) years on the following terms and
2 conditions.

3 **Severability Clause.** Each condition of probation contained herein is a
4 separate and distinct condition. If any condition of this Order, or any application thereof, is
5 declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and
6 all other applications thereof, shall not be affected. Each condition of this Order shall
7 separately be valid and enforceable to the fullest extent permitted by law.

8 1. **Obey All Laws.** Respondent shall obey all federal, state and local
9 laws. A full and detailed account of any and all violations of law shall be reported by
10 Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit
11 monitoring of compliance with this condition, Respondent shall submit completed
12 fingerprint forms and fingerprint fees within 45 days of the effective date of the decision,
13 unless previously submitted as part of the licensure application process.

14 **Criminal Court Orders:** If Respondent is under criminal court orders,
15 including probation or parole, and the order is violated, this shall be deemed a violation of
16 these probation conditions, and may result in the filing of an accusation and/or petition to
17 revoke probation.

18 2. **Comply with the Board's Probation Program.** Respondent shall
19 fully comply with the conditions of the Probation Program established by the Board and
20 cooperate with representatives of the Board in its monitoring and investigation of the
21 Respondent's compliance with the Board's Probation Program. Respondent shall inform the
22 Board in writing within no more than 15 days of any address change and shall at all times
23 maintain an active, current license status with the Board, including during any period of
24 suspension.

25 Upon successful completion of probation, Respondent's license shall be fully
26 restored.

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1 3. **Report in Person.** Respondent, during the period of probation, shall
2 appear in person at interviews/meetings as directed by the Board or its designated
3 representatives.

4 4. **Residency, Practice, or Licensure Outside of State.** Periods of
5 residency or practice as a registered nurse outside of California shall not apply toward a
6 reduction of this probation time period. Respondent's probation is tolled, if and when he
7 resides outside of California. Respondent must provide written notice to the Board within 15
8 days of any change of residency or practice outside the state, and within 30 days prior to re-
9 establishing residency or returning to practice in this state.

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

15 5. **Submit Written Reports.** Respondent, during the period of
16 probation, shall submit or cause to be submitted such written reports/declarations and
17 verification of actions under penalty of perjury, as required by the Board. These
18 reports/declarations shall contain statements relative to Respondent's compliance with all
19 the conditions of the Board's Probation Program. Respondent shall immediately execute all
20 release of information forms as may be required by the Board or its representatives.

21 Respondent shall provide a copy of this Decision to the nursing regulatory
22 agency in every state and territory in which he has a registered nurse license.

23 6. **Function as a Registered Nurse.** Respondent, during the period of
24 probation, shall engage in the practice of registered nursing in California for a minimum of
25 24 hours per week for 6 consecutive months or as determined by the Board.

26 For purposes of compliance with the section, "engage in the practice of
27 registered nursing" may include, when approved by the Board, volunteer work as a

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1 registered nurse, or work in any non-direct patient care position that requires licensure as a
2 registered nurse.

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

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

12 **7. Employment Approval and Reporting Requirements.** Respondent
13 shall obtain prior approval from the Board before commencing or continuing any
14 employment, paid or voluntary, as a registered nurse. Respondent shall cause to be
15 submitted to the Board all performance evaluations and other employment related reports as
16 a registered nurse upon request of the Board.

17 Respondent shall provide a copy of this Decision to his employer and
18 immediate supervisors prior to commencement of any nursing or other health care related
19 employment.

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

26 **8. Supervision.** Respondent shall obtain prior approval from the Board
27 regarding Respondent's level of supervision and/or collaboration before commencing or

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1 continuing any employment as a registered nurse, or education and training that includes
2 patient care.

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

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

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

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

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

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

25 9. **Employment Limitations.** Respondent shall work only on a
26 regularly assigned, identified and predetermined work site(s) and may work in a float
27 capacity with prior Board approval at Mercy San Juan Medical Center. It is understood that
28 Respondent currently works in said position, however, when respondent is placed on

1 probation he may not continue in said position unless the position is approved by the
2 Board's probation unit.

3 Respondent shall not work for a nurse's registry, in any private duty position as a
4 registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house
5 nursing pool except as may be approved regarding Respondent's position with Mercy San
6 Juan Medical Center.

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

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

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

16 Respondent shall work only on a regularly assigned, identified and
17 predetermined worksite(s) and shall not work in a float capacity except as may be approved
18 in his position with Mercy San Juan Medical Center.

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

22 10. **Complete a Nursing Course(s).** Respondent, at his own expense,
23 shall enroll and successfully complete a course(s) relevant to the practice of registered
24 nursing no later than six months prior to the end of his probationary term.

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

1 11. **Cost Recovery.** Respondent shall pay to the Board costs associated
2 with its investigation and enforcement pursuant to Business and Professions Code section
3 125.3 in the amount of \$1,661.75. Respondent shall be permitted to pay these costs in a
4 payment plan approved by the Board, with payments to be completed no later than three
5 months prior to the end of the probation term.

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

12 12. **Therapy or Counseling Program.** Respondent at his expense shall
13 participate in an on-going counseling program until such time as the Board releases him
14 from this requirement and only upon the recommendation of the counselor. Written progress
15 reports from the counselor will be required at various intervals.

16 13. **Violation of Probation.** If Respondent violates the conditions of
17 his probation, the Board after giving Respondent notice and an opportunity to be heard, may
18 set aside the stay order and impose the stayed discipline (revocation) of Respondent's
19 license.

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

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Mary Work. I understand the stipulation and the effect it will have on my Registered Nurse. 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: July 8th, 2008


KYLE KAFE CORLEY
Respondent

I concur with this stipulated settlement.

DATED: July 8th, 2008


MARY E. WORK
Attorney for Respondent

ENDORSEMENT

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

DATED: July 24, 2008

EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR TAGGART
Supervising Deputy Attorney General

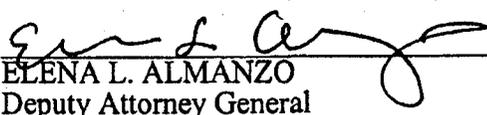

ELENA L. ALMANZO
Deputy Attorney General
Attorneys for Complainant

Exhibit A
Accusation No. 2007-68

1 BILL LOCKYER, Attorney General
of the State of California
2 JANA L. TUTON, State Bar No. 78206
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5342
Facsimile: (916) 327-8643

6 Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2007-68

12 **KYLE RAFF CORLEY**
700 Palmetto
13 Pacifica, California 94044

ACCUSATION

14 Registered Nurse License No. 654177

15 Respondent.
16

17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **License History**

23 2. On or about March 9, 2005, the Board issued Registered Nurse License
24 Number 654177 ("license") to Kyle Raff Corley ("Respondent"). The license will expire on
25 March 31, 2007, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
2 section 2750) of the Nursing Practice Act.

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

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

12 6. Code section 2761 states, in pertinent part:

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

15 (a) Unprofessional conduct, . . .

16 (f) Conviction of a felony or of any offense substantially related to the
17 qualifications, functions, and duties of a registered nurse, in which event the record of the
conviction shall be conclusive evidence thereof.

18 COST RECOVERY

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

23 CAUSE FOR DISCIPLINE

24 (Criminal Conviction)

25 8. Respondent is subject to disciplinary action under Code section 2761,
26 subdivision (f), in that on or about February 23, 2006, in the Superior Court of California,
27 County of Placer, in the case entitled, *People of the State of California v. Kyle Rafe Corley*
28 (Super. Ct. Placer County, 2005, Case No. 62-55426), Respondent was convicted on his plea of

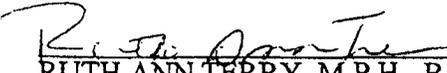
1 nolo contendere of violating Penal Code section 273.5, subdivision (a) (Corporal Injury to
2 Spouse/Cohabitant/Child's Parent), a misdemeanor. Such crime is substantially related to the
3 functions, duties, and qualifications of a registered nurse.

4 **PRAYER**

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

- 7 1. Revoking or suspending Registered Nurse License Number 654177 issued
8 to Kyle Rafe Corley;
- 9 2. Ordering Kyle Rafe Corley to pay the Board the reasonable costs of the
10 investigation and enforcement of this case pursuant to Code section 125.3; and,
- 11 3. Taking such other and further action as deemed necessary and proper.

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13 DATED: 9/21/06

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15 
16 RUTH ANN TERRY, M.P.H., R.N.
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant
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DECEMBER
JAN 29 2009