

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 671532
ISSUED TO
MARY MARGARET SCOTKA

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS



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.
Mary Margaret Scotka
Executive Director of the Board

ORDER OF THE BOARD

TO: Mary Margaret Scotka
6341 Beechwood
Corpus Christi, TX 78412

During open meeting held in Austin, Texas, on Tuesday, November 13, 2007, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Board of Nurse Examiners finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 671532, previously issued to MARY MARGARET SCOTKA, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 671532, previously issued to MARY MARGARET SCOTKA, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 13th day of November, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 671532
Issued to MARY MARGARET SCOTKA
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November, 2007, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Mary Margaret Scotka
6341 Beechwood
Corpus Christi, TX 78412

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bne.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

June 20, 2007

Certified Mail No. 7006 3450 0000 1095 0543
Return Receipt Requested

Mary Margaret Scotka
6341 Beechwood
Corpus Christi, TX 78412

Dear Ms. Scotka:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b)(8) of the Nursing Practice Act, Texas Occupations Code. Within three weeks from the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Noemi Reyes, Investigator. You may obtain legal counsel at your own expense.

These Charges have been filed because your pending alleged violation of the Nursing Practice Act have not been resolved. **FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.**

Additionally, you may resolve this matter according to the terms of the proposed Agreed Order previously sent to you. If you want to do that, you should sign the Order, have it notarized, and mail it to this office. If you do not have the proposed Agreed Order, you should call and request that a duplicate be sent to you.

If a written answer to the Formal Charges or a signed, notarized Agreed Order is not received within three weeks from the date of this letter, this matter will proceed as a default matter and it will be staff's recommendation that a default order be entered revoking your license or multistate privilege to practice professional nursing in the State of Texas. The enclosed Formal Charges spell out the matter which will be presented by default.

Should you desire to discuss this matter, you may contact Noemi Reyes, Investigator, Enforcement Division, at the above address, or at (512) 305-6834.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

Members of the Board

KAT/HR

Joyce Adams, PhD, RN Houston	Deborah Bell, CLU, ChFC Formal Charges Abitene	George Buchenau, Jr., BSN, RN, MBA Amarillo	Virginia Campbell, BSN, RN, CNOR Mesquite	Blanca Rosa Garcia, PhD, RN Corpus Christi
Richard Gibbs, LVN Mesquite	Rachel Gomez, LVN Harlingen	Brenda Jackson, PhD, RN San Antonio	Beverley Jean Nutall, LVN Bryan	Frank Sandoval, Jr., J.D. San Antonio
Anita Palmer, ME, MA Olney	Phyllis Rawley, CPC Vice-President	Liuda Rounds, PhD, FNP, RN President		

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OFFICE

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent To: Mary M. Scotka
Street, Apt. No., or PO Box No.: 6341 Beechwood
City, State, ZIP+4: Corpus Christi TX 78412

7006 3450 0000 1095 0543
7002

PS Form 3800, August 2006

BOARD OF NURSE EXAMINERS
333 GUADALUPE, SUITE 3-460
AUSTIN, TEXAS 78701

RETURN RECEIPT
REQUESTED

CERTIFIED MAILSM



7006 3450 0000 1095 0543

Mary M. Scotka
6341 Bdechwood
Corpus Christi, TX 78412

LR/23

In the Matter of Permanent License § **BEFORE THE BOARD**
Number 671532, Issued to § **OF NURSE EXAMINERS**
MARY MARGARET SCOTKA, Respondent § **FOR THE STATE OF TEXAS**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARY MARGARET SCOTKA, is a Registered Nurse holding license number 671532, which is in Delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about March 14, 2002, Respondent entered a plea of guilty and was convicted of OBTAINING DRUGS BY FRAUD, (a Class 6 Felony offense committed on August 22, 2001), in the Circuit Court of James City County, Virginia, under Case No. 12385-00. As a result of the conviction, Respondent was placed on probation for a period of one (1) year and was required to be evaluated and enter a treatment and/or education program. Additionally, Respondent's motor vehicle operator's license was suspended for a period of six (6) months and she was required to pay court costs in the amount of three hundred forty-eight dollars (\$348).

On or about July 23, 2003, Case No. 12385-00 was re-heard and Respondent was found NOT GUILTY of OBTAINING DRUGS BY FRAUD, but GUILTY of ACCESSORY AFTER THE FACT TO OBTAIN DRUGS BY FRAUD, (a Class 1 Misdemeanor offense committed on August 22, 2001), in the Circuit Court of James City County, Virginia, under Case No. 12385-00. As a result of the new guilty finding, Respondent was sentenced to twelve (12) months incarceration in the Virginia Peninsula Regional Jail, with the imposition of the sentence suspended for a period of ten (10) years.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX ADMIN. CODE §217.12(1).

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CONTINUED ON NEXT PAGE.**

CHARGE II.

On or about July 29, 2004, Respondent filed an Application for Licensure by Endorsement with the Board of Registered Nursing, Sacramento, California, which was subject to denial based on Respondent's criminal history, to wit: On or about March 14, 2002, Respondent was convicted of OBTAINING DRUGS BY FRAUD, (a Class 6 Felony offense committed on August 22, 2001), in the Circuit Court of James City County, Virginia, under Case No. 12385-00. On or about July 23, 2003, Case No. 12385-00 was re-heard and Respondent was found NOT GUILTY of OBTAINING DRUGS BY FRAUD, but GUILTY of ACCESSORY AFTER THE FACT TO OBTAIN DRUGS BY FRAUD, (a Class 1 Misdemeanor offense committed on August 22, 2001), in the Circuit Court of James City County, Virginia, under Case No. 12385-00.

On or about May 27, 2006, Respondent's Application for Licensure by Endorsement was granted and a license to practice professional nursing in the State of California was to be issued to Respondent upon successful completion of all licensing requirements by the Board of Registered Nursing, Sacramento, California. Said license was to be immediately REVOKED, with the order of the Revocation stayed, and Respondent was to be placed on PROBATION for a period of three (3) years, with conditions. A copy of the Stipulated Settlement and Disciplinary Order and Decision, dated May 27, 2006, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency, which can be found at the Board's website, www.bne.state.tx.us.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: California Board of Registered Nursing Order, dated May 27, 2006.

Filed this 30th day of May, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305.8101 or (512)305-7401

Attachments: California Board of Registered Nursing Order, dated May 27, 2006
0999/D

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

In the Matter of the Statement of Issues
Against:

MARY MARGARET SCOTKA
5419 Hollywood Blvd., Suite C272
Hollywood, CA 90027

Case No. 2006-54

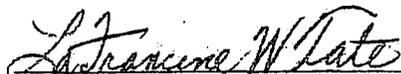
Respondent

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 the above entitled matter.

This Decision shall become effective on May 27, 2006.

IT IS SO ORDERED April 27, 2006



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

1 BILL LOCKYER, Attorney General
of the State of California
2 JAMI L. CANTORE, State Bar No. 165410
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2569
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

10 In the Matter of the Statement of Issues Against:

Case No. 2006-54

11 MARY MARGARET SCOTKA
5419 Hollywood Blvd., Suite C272
12 Hollywood, CA 90027

OAH No. L-2005120289

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13
14 Applicant/Respondent.
15

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Jami L.
23 Cantore, Deputy Attorney General.

24 2. Respondent Mary Margaret Scotka Mary Margaret Scotka (Respondent)
25 is representing herself in this proceeding and has chosen not to exercise her right to be represented
26 by counsel.

27 3. On or about July 29, 2004, Respondent filed an application dated July 1,
28 2004, with the Board of Registered Nursing to obtain an Application for Licensure by

1 Endorsement.

2 JURISDICTION

3 4. Statement of Issues No. 2006-54 was filed on October 25, 2005 before
4 the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently
5 pending against Respondent. The Statement of Issues and all other statutorily required documents
6 were properly served on Respondent on November 9, 2004. A copy of Statement of Issues No.
7 2006-54 is attached as Exhibit A and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations
10 in Statement of Issues No. 2006-54. Respondent has also carefully read, and understands the
11 effects of this Stipulated Settlement and Disciplinary Order.

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

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

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in
23 Statement of Issues No. 2006-54.

24 9. Respondent agrees that her Application for Licensure by Endorsement is
25 subject to denial and she agrees to be bound by the Board of Registered Nursing's imposition of
26 discipline as set forth in the Disciplinary Order below.

27 RESERVATION

28 10. The admissions made by Respondent herein are only for the purposes of

1 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
2 professional licensing agency is involved, and shall not be admissible in any other criminal or civil
3 proceeding.

4 CONTINGENCY

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

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

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

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that the application of Respondent Mary Margaret
22 Scotka for licensure is hereby granted, and a license shall be issued to Respondent upon successful
23 completion of all licensing requirements. Said license shall immediately be revoked, the order of
24 revocation stayed, and Respondent placed on probation for a period of 3 years on the following
25 conditions:

26 **Severability Clause.** Each condition of probation contained herein is a separate
27 and distinct condition. If any condition of this Order, or any application thereof, is declared
28 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other

1 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
2 and enforceable to the fullest extent permitted by law.

3 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
4 A full and detailed account of any and all violations of law shall be reported by Respondent to the
5 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance
6 with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
7 45 days of the effective date of the decision, unless previously submitted as part of the licensure
8 application process.

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

12 2. **Comply with the Board's Probation Program.** Respondent shall fully
13 comply with the conditions of the Probation Program established by the Board and cooperate with
14 representatives of the Board in its monitoring and investigation of the Respondent's compliance with
15 the Board's Probation Program. Respondent shall inform the Board in writing within no more than
16 15 days of any address change and shall at all times maintain an active, current license status with
17 the Board, including during any period of suspension.

18 Upon successful completion of probation, Respondent's license shall be fully
19 restored.

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

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

28 Respondent shall provide a list of all states and territories where she has ever been

1 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
2 provide information regarding the status of each license and any changes in such license status
3 during the term of probation. Respondent shall inform the Board if she applies for or obtains a new
4 nursing license during the term of probation.

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

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

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

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

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

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

28 ///

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

6 Respondent shall provide a copy of this Decision to her employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

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

13 8. **Supervision.** Respondent shall obtain prior approval from the Board
14 regarding Respondent's level of supervision and/or collaboration before commencing or continuing
15 any employment as a registered nurse, or education and training that includes patient care.

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

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

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

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

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

28 (d) Home Health Care - If Respondent is approved to work in the home health

1 care setting, the individual providing supervision and/or collaboration shall have person-to-person
2 communication with Respondent as required by the Board each work day. Respondent shall
3 maintain telephone or other telecommunication contact with the individual providing supervision
4 and/or collaboration as required by the Board during each work day. The individual providing
5 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
6 patients' homes visited by Respondent with or without Respondent present.

7 **9. Employment Limitations.** Respondent shall not work for a nurse's
8 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
9 traveling nurse, or for an in-house nursing pool.

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

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

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

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

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

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

27 Respondent shall obtain prior approval from the Board before enrolling in the
28 course(s). Respondent shall submit to the Board the original transcripts or certificates of

1 completion for the above required course(s). The Board shall return the original documents to
2 Respondent after photocopying them for its records.

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

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

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

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

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

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

25 **13. Physical Examination.** Within 45 days of the effective date of this
26 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
27 physician assistant, who is approved by the Board before the assessment is performed, submit an
28 assessment of the Respondent's physical condition and capability to perform the duties of a

1 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
2 medically determined, a recommended treatment program will be instituted and followed by the
3 Respondent with the physician, nurse practitioner, or physician assistant providing written reports to
4 the Board on forms provided by the Board.

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

14 If Respondent fails to have the above assessment submitted to the Board within the
15 45-day requirement, Respondent shall immediately cease practice and shall not resume practice
16 until notified by the Board. This period of suspension will not apply to the reduction of this
17 probationary time period. The Board may waive or postpone this suspension only if significant,
18 documented evidence of mitigation is provided. Such evidence must establish good faith efforts by
19 Respondent to obtain the assessment, and a specific date for compliance must be provided. Only
20 one such waiver or extension may be permitted.

21 **14. Participate in Treatment/Rehabilitation Program for Chemical**
22 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
23 period or shall have successfully completed prior to commencement of probation a Board-
24 approved treatment/rehabilitation program of at least six months duration. As required, reports
25 shall be submitted by the program on forms provided by the Board. If Respondent has not
26 completed a Board-approved treatment/rehabilitation program prior to commencement of
27 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a
28 program. If a program is not successfully completed within the first nine months of probation, the

1 Board shall consider Respondent in violation of probation.

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

10 **15. Abstain from Use of Psychotropic (Mood-Altering) Drugs.**

11 Respondent shall completely abstain from the possession, injection or consumption by any route of
12 all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
13 the same are ordered by a health care professional legally authorized to do so as part of
14 documented medical treatment. Respondent shall have sent to the Board, in writing and within
15 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
16 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
17 medication will no longer be required, and the effect on the recovery plan, if appropriate.

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

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

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1 **16. Submit to Tests and Samples.** Respondent, at her expense, shall
2 participate in a random, biological fluid testing or a drug screening program which the Board
3 approves. The length of time and frequency will be subject to approval by the Board. Respondent
4 is responsible for keeping the Board informed of Respondent's current telephone number at all
5 times. Respondent shall also ensure that messages may be left at the telephone number when she is
6 not available and ensure that reports are submitted directly by the testing agency to the Board, as
7 directed. Any confirmed positive finding shall be reported immediately to the Board by the
8 program and Respondent shall be considered in violation of probation.

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

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

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

25 **17. Mental Health Examination.** Respondent shall, within 45 days of the
26 effective date of this Decision, have a mental health examination including psychological testing as
27 appropriate to determine her capability to perform the duties of a registered nurse. The
28 examination will be performed by a psychiatrist, psychologist or other licensed mental health

1 practitioner approved by the Board. The examining mental health practitioner will submit a written
2 report of that assessment and recommendations to the Board. All costs are the responsibility of
3 Respondent. Recommendations for treatment, therapy or counseling made as a result of the mental
4 health examination will be instituted and followed by Respondent.

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

14 If Respondent fails to have the above assessment submitted to the Board within the
15 45-day requirement, Respondent shall immediately cease practice and shall not resume practice
16 until notified by the Board. This period of suspension will not apply to the reduction of this
17 probationary time period. The Board may waive or postpone this suspension only if significant,
18 documented evidence of mitigation is provided. Such evidence must establish good faith efforts by
19 Respondent to obtain the assessment, and a specific date for compliance must be provided. Only
20 one such waiver or extension may be permitted.

21 **18. Therapy or Counseling Program.** Respondent, at her expense, shall
22 participate in an on-going counseling program until such time as the Board releases her from this
23 requirement and only upon the recommendation of the counselor. Written progress reports from
24 the counselor will be required at various intervals.

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ACCEPTANCE

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I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Application for Licensure by Endorsement. 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: January 21 2006

Mary Margaret Scotra
MARY MARGARET SCOTKA (Respondent)
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: 1/25/06

BILL LOCKYER, Attorney General
of the State of California

Jamil J. Cantore
JAMIL J. CANTORE
Deputy Attorney General

Attorneys for Complainant



Exhibit A

Statement of Issues No. 2006-54

1 BILL LOCKYER, Attorney General
of the State of California
2 JAMI L. CANTORE, State Bar No. 165410
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2569
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues Against:

Case No. 2006 - 54

11 MARY MARGARET SCOTKA
5419 Hollywood Blvd., Suite C272
12 Hollywood, CA 90027

STATEMENT OF ISSUES

13 Applicant/Respondent.
14

15 Complainant alleges:

16 PARTIES

- 17 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Statement of
18 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing.
19 2. On or about July 13, 2004, the Board of Registered Nursing received an
20 application for an Application for Licensure by Endorsement as a Registered Nurse from Mary
21 Margaret Scotka (Respondent). On or about July 1, 2004, Mary Margaret Scotka certified under
22 penalty of perjury to the truthfulness of all statements, answers, and representations in the
23 application. The Board denied the application on March 15, 2005.

24 JURISDICTION

- 25 3. This Statement of Issues is brought before the Board of Registered
26 Nursing, under the authority of the following laws. All section references are to the Business and
27 Professions Code unless otherwise indicated.

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1 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or
2 abetting the violating of, or conspiring to violate any provision or term of this chapter [the
3 Nursing Practice Act] or regulations adopted pursuant to it.

4

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

8 7. Section 2762 of the Code states:

9 "In addition to other acts constituting unprofessional conduct within the meaning
10 of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of
11 the following:

12 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
13 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
14 or administer to another, any controlled substance as defined in Division 10 (commencing with
15 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
16 defined in Section 4022."

17 8. California Code of Regulations, title 16, section 1444, states:

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

22 FIRST CAUSE FOR DENIAL OF APPLICATION

23 (Conviction of a Substantially Related Crime)

24 9. Respondent's application is subject to denial under section 2761,
25 subdivision (f) and 480, subdivision (a)(1), in conjunction with California Code of Regulations,
26 title 16, section 1444, in that Respondent was convicted of a crime substantially related to the
27 qualifications, functions or duties of a licensed registered nurse, as follows:

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1 of the business or profession in question, would be grounds for suspension or revocation of the
2 license.

3 PRAYER

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

6 1. Denying the application of Mary Margaret Scotka for Licensure by
7 Endorsement as a Registered Nurse;

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

9 DATED: 10/25/05

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