



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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse           §        AGREED  
License Number 620672                       §  
issued to PATRICIA A. WARD               §        ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of PATRICIA A. WARD, Registered Nurse License Number 6206 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 20, 2008, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent holds a license to practice professional nursing in the State of Texas which is currently in delinquent status.
4. Respondent received an Associate Degree in Nursing from Austin Community College, Austin, Texas, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on July 18, 1995.
5. Respondent's complete professional nursing employment history is unknown.

6. On or about June 11, 2007, Respondent's license to practice professional nursing in the State of California, was REVOKED by the Board of Registered Nursing, Department of Consumer Affairs, State of California, Sacramento, California. The revocation was stayed and Respondent was subsequently placed on PROBATION for a period of three (3) years with conditions. A copy of the June 11, 2007, California State Board Stipulated Settlement and Disciplinary Order, is attached and incorporated, by reference, as part of this order.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove a violation of Section 301.452(b)(8), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 620672, heretofore issued to PATRICIA A. WARD, including revocation of Respondent's license to practice professional nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is

encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to PATRICIA A. WARD, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL fully comply with all the terms and conditions of the Order of the Board issued to PATRICIA A. HOFER WARD a.k.a. PATRICIA A. WARD, on June 11, 2007, by the Board of Registered Nursing, Department of Consumer Affairs, State of California. RESPONDENT SHALL CAUSE the Board of Registered Nursing, Department of Consumer Affairs, State of California, to submit quarterly reports, on forms provided by the Texas Board, that PATRICIA A. HOFER WARD a.k.a. PATRICIA A. WARD is in compliance with the Order of the Board, and RESPONDENT SHALL cause the Board of Registered Nursing, Department of Consumer Affairs, State of California, to submit written verification of Respondent's successful completion of that Order. Evidence of compliance/completion with the terms of the Order of the Board of Registered Nursing, Department of Consumer Affairs, State of California, will be accepted as evidence of compliance/completion of the terms of this Order issued by the Texas Board of Nursing.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 2 day of June, 2006.

Patricia A. Ward  
PATRICIA A. WARD, Respondent

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

see attached Notarizations

Notary Public in and for the State of \_\_\_\_\_

# CALIFORNIA JURAT WITH AFFIANT STATEMENT

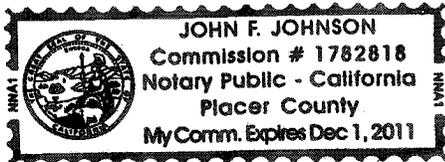
- See Attached Document (Notary to cross out lines 1-6 below)  
 See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_

Signature of Document Signer No. 1 \_\_\_\_\_ Signature of Document Signer No. 2 (if any) \_\_\_\_\_

State of California  
 County of Placer

Subscribed and sworn to (or affirmed) before me on this  
2<sup>nd</sup> day of June, 2008, by  
Date Month Year  
 (1) Patricia A. Ward,  
Name of Signer



proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (.)

(and  
 (2) \_\_\_\_\_,  
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature [Signature]  
Signature of Notary Public

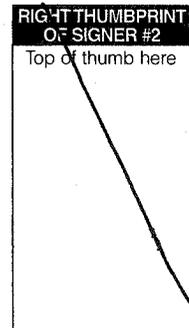
Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Further Description of Any Attached Document

Title or Type of Document: Respondent's Certification  
 Document Date: June 2, 2008 Number of Pages: 1  
 Signer(s) Other Than Named Above: None



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of June, 2008, by PATRICIA A. WARD, Registered Nurse License Number 620672, and said Order is final.

Effective this 17th day of July, 2008.

  
Katherine A. Thomas, MN, RN  
Executive Director on behalf  
of said Board

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

In the Matter of the Accusation Against:

PATRICIA A. HOFER WARD A.K.A.  
PATRICIA A. WARD  
1891 Palm Crest Lane  
Penryn, CA 95660

Registered Nurse License No. 574619

Respondent

Case No. 2007-118

**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 June 11, 2007

IT IS SO ORDERED May 11, 2007



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

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR D. TAGGART  
Lead Supervising Deputy Attorney General  
3 LESLIE A. BURGERMYER, State Bar No. 117576  
Deputy Attorney General  
4 California Department of Justice  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5337  
7 Facsimile: (916) 327-8643

8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 2007118

13 **PATRICIA A. HOFER WARD a.k.a.**  
**PATRICIA A. WARD**  
14 1891 Palm Crest Lane  
Penryn, California 95663

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Registered Nursing No. 574619

16 Respondent.  
17

18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to  
19 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 of  
22 the Board of Registered Nursing ("Board"), Department of Consumer Affairs, State of California.  
23 She brought this action solely in her official capacity and is represented in this matter by Edmund  
24 G. Brown Jr, Attorney General of the State of California, by Leslie A. Burgermyer, Deputy  
25 Attorney General.

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in the  
3 Accusation.

4 9. For the purpose of resolving the Accusation without the expense and  
5 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
6 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up  
7 her right to contest those charges.

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

11 **RESERVATION**

12 11. The admissions made by Respondent herein are only for the purposes of  
13 this proceeding, or any other proceedings in which the Board or other professional licensing  
14 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

15 **CONTINGENCY**

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

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

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1 within no more than fifteen (15) days of any address change and shall at all times maintain an  
2 active, current license status with the Board, including during any period of suspension.

3                   Upon successful completion of probation, Respondent's license shall be  
4 fully restored.

5                   3.     Report in Person. Respondent, during the period of probation, shall  
6 appear in person at interviews and/or meetings as directed by the Board or its designated  
7 representatives.

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

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

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

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

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1                   6.       **Function as a Registered Nurse.** Respondent, during the period of  
2 probation, shall engage in the practice of registered nursing in California for a minimum of  
3 twenty-four (24) hours per week for six (6) consecutive months or as determined by the Board.

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

7                               The Board may require that advanced practice nurses engage in advanced  
8 practice nursing for a minimum of twenty-four (24) hours per week for six (6) consecutive  
9 months or as determined by the Board.

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

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

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

24                              In addition to the above, Respondent shall notify the Board in writing  
25 within seventy-two (72) hours after she obtains any nursing or other health care related  
26 employment. Respondent shall notify the Board in writing within seventy-two (72) hours after  
27 she is terminated or separated, regardless of cause, from any nursing, or other health care related

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1 employment with a full explanation of the circumstances surrounding the termination or  
2 separation.

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

7                     Respondent shall practice only under the direct supervision of a registered  
8 nurse in good standing (no current discipline) with the Board, unless alternative methods of  
9 supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
10 approved.

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

13                     a.     **Maximum.** The individual providing supervision and/or  
14 collaboration is present in the patient care area or in any other work setting at all times.

15                     b.     **Moderate.** The individual providing supervision and/or collaboration  
16 is in the patient care unit or in any other work setting at least half the hours Respondent works.

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

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

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

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

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

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

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

12 If Respondent is working or intends to work in excess of forty (40) hours  
13 per week, the Board may request documentation to determine whether there should be  
14 restrictions on the hours of work.

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

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

22 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with  
23 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
24 amount of \$4,000.00. Respondent shall be permitted to pay those costs in a payment plan  
25 approved by the Board, with payments to be completed no later than three (3) months prior to the  
26 end of the probation term.

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1                   If Respondent has not complied with this condition during the  
2 probationary term, and Respondent has presented sufficient documentation of her good faith  
3 efforts to comply with this condition, and if no other conditions have been violated, the Board, in  
4 its discretion, may grant an extension of Respondent's probation period up to one (1) year  
5 without further hearing in order to comply with this condition. During the one (1) year  
6 extension, all original conditions of probation will apply.

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

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

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

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

26                   a.    Two (2) years for reinstatement of a license that was surrendered  
27 for any reason other than a mental or physical illness; or

28    ///

1                                    b.     One (1) year for a license surrendered for a mental or physical  
2 illness.

3                                    14.     **Mental Health Examination.** The Respondent shall, within forty-five  
4 (45) days of the effective date of this decision, have a mental health examination including  
5 psychological testing as appropriate to determine her capability to perform the duties of a  
6 registered nurse. The examination will be performed by a psychiatrist, psychologist, or other  
7 licensed mental health practitioner approved by the Board. The examining mental health  
8 practitioner will submit a written report of that assessment and recommendations to the Board.  
9 All costs are the responsibility of the Respondent. Recommendations for treatment, therapy, or  
10 counseling made as a result of the mental health examination will be instituted and followed by  
11 the Respondent.

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

21                                    If the Respondent fails to have the above assessment submitted to the  
22 Board within the forty-five (45) day requirement, then Respondent shall immediately cease  
23 practice and shall not resume practice until notified by the Board. This period of suspension will  
24 not apply to the reduction of this probationary time period. The Board may waive or postpone  
25 this suspension only if significant, documented evidence of mitigation is provided. Such  
26 evidence must establish good faith efforts by the Respondent to obtain the assessment, and a  
27 specific date for compliance must be provided. Only one (1) such waiver or extension may be  
28 permitted.

01/31/2007 15:45 FAX 3278643

DEPARTMENT OF JUSTICE

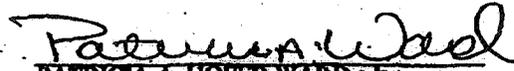
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1                   15. Therapy or Counseling Program. Respondent, at her expense, shall  
 2 participate in an on-going counseling program until such time as the Board releases her from this  
 3 requirement and only upon the recommendation of the counselor. Written progress reports from  
 4 the counselor will be required at various intervals.

**ACCEPTANCE**

5  
 6                   I have carefully read the above Stipulated Settlement and Disciplinary Order and  
 7 have fully discussed it with my attorney, Kimberly A. Dunne, Esq. I understand the stipulation  
 8 and the effect it will have on my Registered Nursing License. I enter into this Stipulated  
 9 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
 10 bound by the Decision and Order of the Board of Registered Nursing, Department of Consumer  
 11 Affairs, State of California.

12  
13 DATED: 1-31-07

14  
 15   
 16 PATRICIA A. HOFER WARD a.k.a.  
 PATRICIA A. WARD, Respondent

17  
 18                   I have read and fully discussed with Respondent Patricia A. Hofer Ward a.k.a.  
 19 Patricia A. Ward the terms and conditions and other matters contained in the above Stipulated  
 20 Settlement and Disciplinary Order. I approve it as to form.

21  
22 DATED: 2-2-07

SIDLEY AUSTIN LLP

23  
 24  
 25 By   
 26 KIMBERLY A. DUNNE, ESQ.  
 Attorney for Respondent

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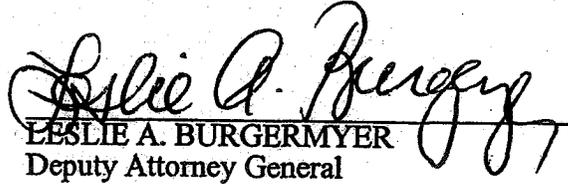
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**ENDORSEMENT**

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

DATED: 2/2/07

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

  
LESLIE A. BURGERMYER  
Deputy Attorney General

Attorneys for Complainant

10313990.wpd

1 BILL LOCKYER, Attorney General  
of the State of California  
2 LESLIE A. BURGERMYER (SBN 117576)  
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) 324-5337  
Facsimile: (916) 327-8643  
6

7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2007-118

12 **PATRICIA A. HOFER WARD a.k.a.**  
13 **PATRICIA A. WARD**  
1891 Palm Crest Lane  
Penryn, California 95663

**ACCUSATION**

14 Registered Nurse License No. 574619

Respondent.

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 **Registered Nurse License**

23 2. On or about November 30, 2000, the Board issued Registered Nurse  
24 License Number 574619 ("license") to Patricia A. Ward also known as Patricia A. Hofer Ward,  
25 ("Respondent"). The license will expire on May 31, 2008, 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 2761 states, in pertinent part:

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

11 "(a) Unprofessional conduct, which includes, but is not  
12 limited to, the following:

13 "(1) Incompetence, or gross negligence in carrying out usual  
certified or licensed nursing functions."

14 **REGULATORY PROVISIONS**

15 6. California Code of Regulations, title 16, section ("Regulation") 1442  
16 states:

17 "As used in Section 2761 of the code, 'gross negligence'  
18 includes an extreme departure from the standard of care  
19 which, under similar circumstances, would have ordinarily  
20 been exercised by a competent registered nurse. Such an  
21 extreme departure means the repeated failure to provide  
nursing care as required or failure to provide care or to  
exercise ordinary precaution in a single situation which the  
nurse knew, or should have known, could have jeopardized  
the client's health or life."

22 7. Regulation 1443, states:

23 "As used in Section 2761 of the code, 'incompetence' means  
24 the lack of possession of or the failure to exercise that degree  
of learning, skill, care and experience ordinarily possessed and  
25 exercised by a competent registered nurse as described in  
Section 1443.5."

26 ///

27 ///

28 ///

1 **COST RECOVERY**

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

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Gross Negligence)**

8 9. Respondent is subject to disciplinary action pursuant to Code section  
9 2761, subdivision (a)(1), on the grounds of unprofessional conduct, as defined in Regulations,  
10 section 1442, in that on or about March 29, 2002, while on duty as a registered nurse at Da Vita  
11 University Clinic, Sacramento, California, Respondent committed acts constituting gross  
12 negligence in her care of patient C.M. (a 72 year-old dialysis patient), in the following respects:

13 a. Respondent failed to verify written documentation that the hemodialyzer<sup>1</sup>  
14 had been flushed with formaldehyde<sup>2</sup> by a certified hemodialysis technician ("CHT") and that the  
15 flush had been verified by a second person qualified to perform reuse verification for the dialysis  
16 treatment prior to Respondent's initiating C.M.'s dialysis treatment.

17 b. Respondent failed to perform a basic check of the hemodialyzer to ensure  
18 the equipment was free of formaldehyde and safe to use, prior to initiating patient C.M.'s dialysis  
19 treatment.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Incompetence)**

22 10. Respondent is subject to disciplinary action pursuant to Code section  
23 2761, subdivision (a)(1), on the grounds of unprofessional conduct, as defined in Regulations,  
24

25 \_\_\_\_\_  
26 1. A hemodialyzer (popularly called artificial kidney) is an apparatus by which  
27 hemodialysis may be performed, that is, blood being separated by a semipermeable membrane  
28 from a solution of such composition as to secure diffusion of certain elements out of the blood.

2. Formaldehyde is a commonly known germicide used to flush the hemodialyzer after  
each use on the patient.

1 section 1443, in that on or about March 29, 2002, while on duty as a registered nurse at Da Vita  
2 University Clinic, Sacramento, California, Respondent committed an act constituting  
3 incompetence as follows: Respondent relied on verbal verification instead of verifying written  
4 documentation that the hemodialyzer had been flushed by a CHT and that the flush had been  
5 verified by a second person qualified to perform reuse verification for the dialysis treatment prior  
6 to Respondent's initiating C.M.'s dialysis treatment

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct)**

9 11. Respondent is subject to disciplinary action pursuant Code section 2761,  
10 subdivision (a), on the grounds of unprofessional conduct, as set forth in paragraphs 9 and 10,  
11 above.

12 **PRAYER**

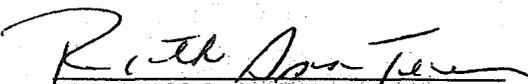
13 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
14 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 574619, issued  
16 to Patricia A. Hofer Ward a.k.a. Patricia A. Ward;

17 2. Ordering Patricia A. Hofer Ward a.k.a. Patricia A. Ward to pay the Board  
18 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
19 pursuant to Code section 125.3; and,

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

21  
22 DATED: 10/31/06

23  
24  
25   
26 RUTH ANN TERRY, M.P.H., R.N.  
27 Executive Officer  
28 Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant