



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.
Stephanie P. Thomas
Executive Director of the Board

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

In the Matter of the Petition to Revoke Probation
Against:

JESSIE V. WALKER
1710 F Street, #B
Napa, CA 94559

Registered Nurse License No. 505736

Respondent

Case No. 2008-184

OAH No. 2014070063

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 this matter.

This Decision shall become effective on **December 12, 2014**.

IT IS SO ORDERED **November 12, 2014**.

Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 KIM M. SETTLES
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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 Petition to Revoke
12 Probation Against:

13 **JESSIE V. WALKER**
14 **1710 F Street, #B**
Napa, California 94559
15 **Registered Nurse License No. 505736**

16 Respondent.

Case No. 2008-184

OAH No. 2014070063

17 **STIPULATED SETTLEMENT AND**
18 **DISCIPLINARY ORDER**

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

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board
21 of Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Kim M. Settles,
23 Deputy Attorney General.

24 2. Respondent Jessie V. Walker ("Respondent") is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about October 21, 1994, the Board of Registered Nursing issued Registered
27 Nurse License No. 505736 to Jessie V. Walker (Respondent). The Registered Nurse License was
28 in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation

1 No. 2008-184 and will expire on August 31, 2014, unless renewed.

2 **JURISDICTION**

3 4. Petition to Revoke Probation No. 2008-184 was filed before the Board of Registered
4 Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent.
5 The Petition to Revoke Probation and all other statutorily required documents were properly
6 served on Respondent on June 17, 2014. Respondent timely filed her Notice of Defense
7 contesting the Petition to Revoke Probation.

8 5. A copy of Petition to Revoke Probation No. 2008-184 is attached as exhibit A and
9 incorporated by reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, and understands the charges and allegations in Petition
12 to Revoke Probation No. 2008-184. Respondent has also carefully read, and understands the
13 effects of this Stipulated Settlement and Disciplinary Order.

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

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 9. Respondent admits the truth of each and every charge and allegation in Petition to
25 Revoke Probation No. 2008-184.

26 10. Respondent agrees that her Registered Nurse License is subject to discipline and she
27 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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CONTINGENCY

11. 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. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. 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:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 505736 issued to Respondent Jessie V. Walker (Respondent) is revoked. However, the revocation is stayed and Respondent's probation is extended for three (3) years, for a total of seven (7) years probation, on the following terms and conditions.

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

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

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

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

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

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

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

1 returning to practice in this state.

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

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

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

15 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
16 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
17 6 consecutive months or as determined by the Board.

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

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

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

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

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

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

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

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

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

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

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

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

1 (d) Home Health Care - If Respondent is approved to work in the home health care
2 setting, the individual providing supervision and/or collaboration shall have person-to-person
3 communication with Respondent as required by the Board each work day. Respondent shall
4 maintain telephone or other telecommunication contact with the individual providing supervision
5 and/or collaboration as required by the Board during each work day. The individual providing
6 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
7 patients' homes visited by Respondent with or without Respondent present.

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

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

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

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

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

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

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

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

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

3 **11. Violation of Probation.** If Respondent violates the conditions of her probation, the
4 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
5 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 been
7 filed against Respondent's license or the Attorney General's Office has been requested to prepare
8 an accusation or petition to revoke probation against Respondent's license, the probationary
9 period shall automatically be extended and shall not expire until the accusation or petition has
10 been acted upon by the Board.

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

18 Surrender of Respondent's license shall be considered a disciplinary action and shall
19 become a part of Respondent's license history with the Board. A registered nurse whose license
20 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 reason other
23 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 Decision,
26 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
27 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, including a determination as set forth below in condition titled "Rule-Out
2 Substance Abuse Assessment." Such an assessment shall be submitted in a format acceptable to
3 the Board. If medically determined, a recommended treatment program will be instituted and
4 followed by the Respondent with the physician, nurse practitioner, or physician assistant
5 providing written reports to the Board on forms provided by the Board.

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

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

22 14. **Mental Health Examination.** Respondent shall, within 45 days of the effective
23 date of this Decision, have a mental health examination including psychological testing as
24 appropriate to determine her capability to perform the duties of a registered nurse, including a
25 determination as set forth below in the condition titled "Rule-Out Substance Abuse Assessment."
26 The examination will be performed by a psychiatrist, psychologist or other licensed mental health
27 practitioner approved by the Board. The examining mental health practitioner will submit a
28 written report of that assessment and recommendations to the Board. All costs are the

1 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
2 result of the mental health examination will be instituted and followed by Respondent.

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

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

19 **15. Rule-Out Substance Abuse Assessment.** If the examiner conducting the physical
20 and/or mental health examination determines that the Respondent is dependent upon drugs or
21 alcohol, or has problems with drugs or alcohol (i.e. drug dependence in remission or alcohol
22 dependence in remission), that might reasonable affect the safe practice of nursing, then the
23 Respondent must further comply with the following additional terms and conditions of probation.

24 **A. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**
25 Respondent, at her expense, shall successfully complete during the probationary period or shall
26 have successfully completed prior to commencement of probation a Board-approved
27 treatment/rehabilitation program of at least six months duration. As required, reports shall be
28 submitted by the program on forms provided by the Board. If Respondent has not completed a

1 Board-approved treatment/rehabilitation program prior to commencement of probation,
2 Respondent, within 45-days from the effective date of the decision, shall be enrolled in a
3 program. If a program is not successfully completed within the first nine months of probation,
4 the Board shall consider Respondent in violation of probation.

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

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

20 The Board may require the single coordinating physician, nurse practitioner, or physician
21 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
22 medicine.

23 **C. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
24 random, biological fluid testing or a drug screening program which the Board approves. The
25 length of time and frequency will be subject to approval by the Board. Respondent is responsible
26 for keeping the Board informed of Respondent's current telephone number at all times.
27 Respondent shall also ensure that messages may be left at the telephone number when she is not
28 available and ensure that reports are submitted directly by the testing agency to the Board, as

1 directed. Any confirmed positive findings shall be reported immediately to the Board by the
2 program and Respondent shall be considered in violation of probation.

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

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

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

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

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ACCEPTANCE

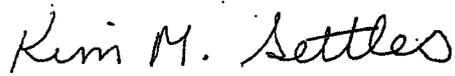
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I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 8-4-14 
JESSIE V. WALKER
Respondent

ENDORSEMENT

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

Dated: 8/4/14 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General

KIM M. SETTLES
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Petition to Revoke Probation No. 2008-184

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 KIM M. SETTLES
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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 Petition To Revoke
12 Probation Against:

Case No. 2008-184

PETITION TO REVOKE PROBATION

13 **JESSIE V. WALKER**
14 **1710 F Street #B**
Napa, California 94559
Registered Nurse License No. 505736

15 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Petition To Revoke
20 PROBATION solely in her official capacity as the Executive Officer of the Board of Registered
21 Nursing, Department of Consumer Affairs.

22 2. On or about October 21, 1994, the Board of Registered Nursing issued Registered
23 Nurse License Number 505736 to Jessie V. Walker (Respondent). The Registered Nurse License
24 was in full force and effect at all times relevant to the charges brought in this Petition to Revoke
25 Probation and will expire on August 31, 2014, unless renewed.

26 3. In a disciplinary action entitled *In the Matter of the Accusation Against Jessie V.*
27 *Walker*, Case No. 2008-184, the Board of Registered Nursing issued a Decision and Order
28 effective July 3, 2008, in which Respondent's Registered Nurse License was revoked. However,

1 the revocation was stayed and Respondent's Registered Nurse License was placed on probation for
2 three (3) years with certain terms and conditions. A copy of that Decision and Order is attached as
3 exhibit A and is incorporated by reference.

4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Board of Registered Nursing
6 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
7 references are to the Business and Professions Code ("Code") unless otherwise indicated.

8 5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
9 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
10 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
11 Nursing Practice Act.

12 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
13 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
14 licensee or to render a decision imposing discipline on the license.

15 FIRST CAUSE TO REVOKE PROBATION

16 (Failure to Engage in the Practice of Registered Nursing)

17 7. At all times after the effective date of Respondent's probation, Condition 6 of the
18 Stipulation stated that Respondent shall engage in the practice of registered nursing in California
19 for a minimum of 24 hours per week for six consecutive months or as determined by the Board.
20 Grounds exist for revoking the probation and for imposing the revocation penalty that was stayed
21 for the following reasons:

22 a. Respondent was living out of state on the effective date of the Board's Decision
23 and Order, so her probation was tolled. Respondent's probation became effective on July 27,
24 2010, when Respondent returned to California.

25 b. On or about May 9, 2013, Respondent's probation was extended for one year,
26 with a new completion date of July 26, 2014, because Respondent failed to fulfill her work
27 requirements.

28 c. Respondent has failed to report any employment to the Board, and will be

1 unable to complete her work requirement by July 26, 2014

2 SECOND CAUSE FOR DISCIPLINE

3 (Failure to Complete a Course)

4 8. At all times after the effective date of Respondent's probation, Condition 10 stated
5 that Respondent shall successfully complete a course relevant to the practice of registered nursing
6 no later than six months prior to the end of her probationary period. Grounds exist for revoking
7 the probation and for imposing the revocation penalty that was stayed for the following reasons:

8 a. Respondent failed to complete a course relevant to the practice of registered
9 nursing six months prior to the end of her probationary period.

10 THIRD CAUSE FOR DISCIPLINE

11 (Failure to Comply with the Board's Probation Program)

12 9. At all times after the effective date of Respondent's probation, Condition 2 stated that
13 Respondent shall fully comply with the conditions of the Probation Program established by the
14 Board and cooperate with representatives of the Board in its monitoring and investigation of the
15 Respondent's compliance with the Board's Probation Program. Grounds exist for revoking the
16 probation and for imposing the revocation penalty that was stated for the following reasons:

17 a. Respondent failed to comply with the terms and conditions of her probation, as set
18 forth in paragraphs 7 and 8, above.

19 PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
21 Petition to Revoke Probation, and that following the hearing, the Board of Registered Nursing
22 issue a decision:

23 1. Revoking the probation that was granted by the Board of Registered Nursing in Case
24 No. 2008-184 and imposing the disciplinary order that was stayed thereby revoking Registered
25 Nurse License No. 505736 issued to Jessie V. Walker;

26 2. Revoking or suspending Registered Nurse License No. 505736; issued to Jessie V.
27 Walker;

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

DATED: JUNE 17, 2014

for Anne Bern

LOUISE R. BAILEY, M.ED., RN.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2008-184

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

In the Matter of the Accusation Against:

JESSIE V. WALKER
1202 Glenn Drive
Euless, Texas 76039

Registered Nurse License No. 505736

Respondent.

Case No. 2008-184

OAH No. N2008010491

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 this matter.

This Decision shall become effective on July 3, 2008.

It is so ORDERED June 3, 2008.

La Francine W Tate
FOR THE BOARD OF REGISTERED NURSING

DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 WILBERT E. BENNETT
Supervising Deputy Attorney General
3 KIM M. SETTLES, State Bar No. 116945
Deputy Attorney General
4 1515 Clay Street, 20th Floor
P.O. Box 70550
5 Oakland, CA 94612-0550
Telephone: (510) 622-2138
6 Facsimile: (510) 622-2270

7 Attorneys for Complainant
8
9

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

12 In the Matter of the Accusation Against:

13 **JESSIE V. WALKER**
1202 Glenn Drive
14 Euless, Texas 76039

15 Registered Nurse License No. 505736

16 Respondent.
17

Case No. 2008-184

OAH No. N2008010491

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 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. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown, Jr., Attorney General of the State of California,
24 by Kim M. Settles, Deputy Attorney General.

25 2. Respondent JESSIE V. WALKER (Respondent) is aware of her right to
26 representation and has elected to represent herself in this proceeding.

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1 and enforceable to the fullest extent permitted by law.

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

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

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

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

19 3. **Report in Person.** Respondent, during the period of probation, shall
20 appear in person at interviews/meetings as directed by the Board or its designated
21 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
25 of California. Respondent must provide written notice to the Board within 15 days of any change
26 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
27 returning to practice in this state.

28 //

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

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

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

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

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

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

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

1 7. **Employment Approval and Reporting Requirements.** Respondent
2 shall obtain prior approval from the Board before commencing or continuing any employment,
3 paid 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
11 terminated or separated, regardless of cause, from any nursing, or other health care related
12 employment with a full explanation of the circumstances surrounding the termination or
13 separation.

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

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

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

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

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

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

3 (d) Home Health Care - If Respondent is approved to work in the home health
4 care setting, the individual providing supervision and/or collaboration shall have person-to-
5 person communication with Respondent as required by the Board each work day. Respondent
6 shall maintain telephone or other telecommunication contact with the individual providing
7 supervision and/or collaboration as required by the Board during each work day. The individual
8 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
9 site visits to patients' homes visited by Respondent with or without Respondent present.

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

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

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

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

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

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

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

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

8 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
9 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of \$7,048.50. Respondent shall be permitted to pay these costs in a payment plan
11 approved by the Board, with payments to be completed no later than three months prior to the
12 end of the probation term.

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

19 12. **Violation of Probation.** If Respondent violates the conditions of her
20 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
21 aside the stay order and impose the stayed revocation of Respondent's license.

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

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

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

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

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

15 14. **Physical Examination.** Within 45 days of the effective date of this
16 decision, respondent, at her expense, shall have a licensed physician, nurse practitioner, or
17 physician assistant, who is approved by the Board before the assessment is performed, submit an
18 assessment of the respondent's physical condition and capability to perform the duties of a
19 registered nurse, including a determination as set forth below in Condition 16, "Rule-Out
20 Substance Abuse Assessment." Such an assessment shall be submitted in a format acceptable to
21 the Board. If medically determined, a recommended treatment program will be instituted and
22 followed by the respondent with the physician, nurse practitioner, or physician assistant
23 providing written reports to the Board on forms provided by the Board.

24 If respondent is determined to be unable to practice safely as a registered nurse,
25 the licensed physician, nurse practitioner, or physician assistant making this determination shall
26 immediately notify the Board and respondent by telephone, and the Board shall request that the
27 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
28 shall immediately cease practice and shall not resume practice until notified by the Board.

1 During this period of suspension, respondent shall not engage in any practice for which a license
2 issued by the Board is required until the Board has notified respondent that a medical
3 determination permits respondent to resume practice. This period of suspension will not apply to
4 the reduction of this probationary time period.

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

12 15. **Mental Health Examination.** The respondent shall, within 45 days of the
13 effective date of this decision, have a mental health examination including psychological testing
14 as appropriate to determine her capability to perform the duties of a registered nurse, including a
15 determination as set forth below in Condition 16, "Rule-Out Substance Abuse Assessment." The
16 examination will be performed by a psychiatrist, psychologist or other licensed mental health
17 practitioner approved by the Board. The examining mental health practitioner will submit a
18 written report of that assessment and recommendations to the Board. All costs are the
19 responsibility of the report of that assessment and recommendations to the Board. All costs are
20 the responsibility of the respondent. Recommendations for treatment, therapy or counseling
21 made as a result of the mental health examination will be instituted and followed by the
22 respondent.

23 If respondent is determined to be unable to practice safely as a registered nurse,
24 the licensed mental health care practitioner making this determination shall immediately notify
25 the Board and respondent by telephone, and the Board shall request that the Attorney General's
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
27 practice and may not resume practice until notified by the Board. During this period of
28 suspension, respondent shall not engage in any practice for which a license issued by the Board is

1 required, until the Board has notified respondent that a mental health determination permits
2 respondent to resume practice. This period of suspension will not apply to the reduction of this
3 probationary time period.

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

11 16. **Rule-Out Substance Abuse Assessment.** If the examiner conducting the
12 physical and/or mental health examination determines that the respondent is dependent upon
13 drugs or alcohol, or has had problems with drugs or alcohol (i.e. drug dependence in remission or
14 alcohol dependence in remission), that might reasonably affect the safe practice of nursing, then
15 the respondent must further comply with the following additional terms and conditions of
16 probation.

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

26 Based on Board recommendation, each week respondent shall be required to
27 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
28 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed

1 by the Board. If a nurse support group is not available, an additional 12-step meeting or
2 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
3 such attendance to the Board during the entire period of probation. Respondent shall continue
4 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
5 mental health examiner and/or other ongoing recovery groups.

6 (b) **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
7 shall completely abstain from the possession, injection or consumption by any route of all
8 psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a
9 health care professional legally authorized to do so as part of documented medical treatment.
10 Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the
11 prescribing health professional, a report identifying the medication, dosage, the date the
12 medication was prescribed, the respondent's prognosis, the date the medication will no longer be
13 required, and the effect on the recovery plan, if appropriate.

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

21 The Board may require the single coordinating physician, nurse practitioner, or
22 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
23 addictive medicine.

24 (c) **Submit to Tests and Samples.** Respondent, at her expense, shall
25 participate in a random, biological fluid testing or a drug screening program which the Board
26 approves. The length of time and frequency will be subject to approval by the Board. The
27 respondent is responsible for keeping the Board informed of respondent's current telephone
28 number at all times. Respondent shall also ensure that messages may be left at the telephone

1 number when she is not available and ensure that reports are submitted directly by the testing
2 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
3 to the Board by the program and the respondent shall be considered in violation of probation.

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

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

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

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

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Exhibit A
Accusation No. 2008-184

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 WILBERT E. BENNETT
Supervising Deputy Attorney General
3 KIM M. SETTLES, State Bar No. 116945
Deputy Attorney General
4 1515 Clay Street, 20th Floor
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Telephone: (510) 622-2138
6 Facsimile: (415) 703-5480
7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:
13 **JESSIE V. WALKER**
14 **1202 Glenn Drive**
Eules, Texas 76039
15 **Registered Nurse License No. 505736**
16 Respondent.

Case No. 2008-184
ACCUSATION

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing.
22 2. On October 21, 1994, the Board of Registered Nursing issued Registered
23 Nurse License No. 505736 to JESSIE WALKER. The License will expire on August 31, 2008,
24 unless renewed.

25 **JURISDICTION**

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

1 dangerous drug pursuant to Business and Professions Code section 4022. It is a highly potent
2 opiate analgesic drug used to treat moderate to severe pain.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Grossly Incorrect or Grossly Inconsistent Entries)**

5 11. Respondent is subject to disciplinary action under Code section 2761(a) on
6 the grounds of unprofessional conduct, as defined in Code section 2762(e), in that on or about
7 January and February, 2003, while employed as a registered nurse at Roberts Nursing Home, in
8 Napa, California, she admittedly made grossly incorrect, or grossly inconsistent entries in
9 hospital and patient records pertaining to controlled substances and/or dangerous drugs in the
10 following respects:

11 a. Patient S.H. was a hospice patient, with diagnoses that included
12 dementia, debility and decline, and osteoarthritis. The doctor's orders were to
13 administer Roxanol, as needed, for pain. Respondent engaged in the following
14 conduct in regards to the above-referenced patient:

15 (1) On February 1, 2003, at 0940 hours, and at 1530 hours, respondent
16 signed out .05 mg of morphine for patient S.H., and failed to chart the
17 administration of the morphine in the patient's medication record or nurses notes.

18 (2) On February 2, 2003, at 0710 hours, and at 1430 hours, respondent
19 signed out .05 mg of morphine for patient S.H., and failed to chart the
20 administration of the morphine in the patient's medication record or nurses notes.

21 b. Patient A.S. was an eighty-year-old hospice patient, with diagnoses
22 that included Alzheimer's dementia, debility and decline. The doctor's orders
23 were to administer Roxanol, as needed, for pain. Respondent engaged in the
24 following conduct in regards to the above-referenced patient:

25 (1) ^{2x OK 1/15/12} On January 12, 2003, at 1400 hours, respondent signed out .05 mg
26 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
27 ^{NOV 50 6 1:20}

28 1. In order to protect the patients' privacy, their full names will only be released to
respondent pursuant to a request for discovery.

1 in the patient's medication record or nurses notes.

2 (2) On January 15, 2003, at 0915 hours, respondent signed out .05 mg
3 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
4 in the patient's medication record or nurses notes.

5 (3) On January 16, 2003, at 1900 hours, respondent signed out .05 mg
6 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
7 in the patient's medication record or nursing notes.

8 (4) On January 18, 2003, at 1200 hours, respondent signed out .05 mg
9 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
10 in the patient's medication record or nursing notes.

11 (5) On January 21, 2003, at 0900 hours, respondent signed out .05 mg
12 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
13 in the patient's medication record or nursing notes.

14 (6) On January 22, 2003, at 0930 hours, respondent signed out .05 mg
15 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
16 in the patient's medication record or nursing notes.

17 (7) On January 23, 2003 at 2000 hours, respondent signed out .05 mg
18 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
19 in the patient's medication record or nursing notes.

20 (8) On January 25, 2003, at 0900 hours, respondent signed out .05 mg
21 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
22 in the patient's medication record or nursing notes.

23 (9) On January 26, 2003, at 0900 hours, respondent signed out .05 mg
24 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
25 in the patient's medication record or nursing notes.

26 (10) On January 27, 2003, at 0900 hours, respondent signed out .05 mg
27 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
28 in the patient's medication record or nursing notes.

1 (11) On January 29, 2003, at 0900 hours, respondent signed out .05 mg
2 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
3 in the patient's medication record or nursing notes.

4 (12) On February 1, 2003, at 1300 hours, respondent signed out .05 mg
5 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
6 in the patient's medication record or nursing notes.

7 (13) On February 2, 2003, at 1000 hours, respondent signed out .05 mg
8 of Roxanol for patient A.S., and failed to chart the administration of the Roxanol
9 in the patient's medication record or nursing notes.

10 **SECOND CAUSE FOR DISCIPLINE**

11 (Gross Negligence)

12 12. Respondent has subjected her license to discipline pursuant to Business
13 and Professions Code section 2761(a)(1) on the grounds of unprofessional conduct (gross
14 negligence), based on the conduct set forth in paragraph 11, above.

15 **THIRD CAUSE FOR DISCIPLINE**

16 (Unprofessional Conduct)

17 13. Respondent is subject to disciplinary action under Code section 2761(a),
18 on the grounds of general unprofessional conduct, in that on or about May 31, 2003, and/or
19 June 1, 2003, respondent, while employed as a registered nurse at Roberts Nursing Home in
20 Napa, California, reported to work and commenced patient care, while acting erratically and in an
21 impaired mental condition. Respondent admitted to said conduct, which she explained as a
22 "severe manic episode". Respondent further admitted that she was bipolar and suffering from
23 depression and that she had not taken her medication for several months prior to the above
24 incident. Respondent's conduct, as set forth above, reflects upon her fitness to practice registered
25 nursing.

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PRAVER

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

3 1. Revoking or suspending Registered Nurse License Number 505736 issued
4 to JESSIE WALKER;

5 2. Ordering JESSIE WALKER to pay the Board of Registered Nursing the
6 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
7 Professions Code section 125.3;

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

9 DATED: 12/7/07

10
11 *Ruth Ann Terry for*
12 RUTH ANN TERRY, M.P.H., R.N.
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant
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