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

In the Matter of the Citation Against:

Case No. [REDACTED]

CITATION ORDER

[REDACTED]
[REDACTED]
Registered Nursing License No. [REDACTED]

Respondent.

Joseph L. Morris, PhD, MSN, RN, issues this citation in his official capacity as Executive Officer of the Board of Registered Nursing ("Board").

Citation

In accordance with Sections 125.9 and 148 of the Business and Professions Code and 1435 of the California Code of Regulations, this citation is hereby issued to you for violation of Sections 2761(a), 2761(f), 2762(b), 2762(c) and 2765 of the Business and Professions Code and 1444 of the California Code of Regulations.

Licensing History

On or about [REDACTED], the Board issued Registered Nurse license number [REDACTED] to [REDACTED]. The Registered Nurse license will expire on [REDACTED], unless renewed.

Cause for Citation

On or about [REDACTED], you were convicted by your Nolo Contendere Plea of violating Vehicle Code Section 23152(b) by the Superior Court of the State of California, County of [REDACTED] case number [REDACTED]. The circumstances surrounding the conviction are that on or about [REDACTED], you willfully and unlawfully drove a vehicle while having .08 percent or more, by weight of alcohol, in your blood, to wit [REDACTED]. Moreover, a California Highway Patrol officer determined that you, while in this intoxicated state, were travelling at a speed of [REDACTED] per hour (mph) in a zone with a 50-mph speed limit.

This act is in violation of Sections 2761(a) and 2761(f) of the Business and Professions Code, which read as follows:

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

- (a) Unprofessional conduct

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

4 This act is in violation of Sections 2762(b) and 2762(c) of the Business and Professions Code, which
5 read as follows:

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

- 8 (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000)
9 of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
10 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious
11 to himself or herself, any other person, or the public or to the extent that such use impairs
12 his or her ability to conduct with safety to the public the practice authorized by his or her
13 license.
- 14 (c) Be convicted of a criminal offense involving the prescription, consumption, or self-
15 administration of any of the substances described in subdivisions (a) and (b) of this
16 section, or the possession of, or falsification of a record pertaining to, the substances
17 described in subdivision (a) of this section, in which event the record of the conviction
18 is conclusive evidence thereof.

19 This act is in violation of Section 2765 of the Business and Professions Code, which reads as follows:

20 A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge
21 substantially related to the qualifications, functions and duties of a registered nurse is deemed to
22 be a conviction within the meaning of this article. The board may order the license or certificate
23 suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has
24 elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
25 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
26 the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her
27 plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing
28 the accusation, information or indictment.

29 This act is in violation of Title 16, Section 1444 of the California Code of Regulations, which reads as
30 follows:

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

1 Fine

2 In accordance with Section 1435.2 of the California Code of Regulations, the administrative fine for
3 the above listed violation(s) shall be in the \$0 - \$2,500 range. You are hereby ordered to pay an
4 administrative fine in the amount of [REDACTED] within thirty (30) calendar days after service of
5 this citation. The service date of this citation is the date it was mailed from the Board.

6 You may pay this administrative fine by:

7 Using the Department of Consumer Affairs (DCA) BreZE online service. Visit the California Board
8 of Registered Nursing Website at <http://www.rn.ca.gov/> and click the "DCA BreZE" link under the
9 "Important Notices" section of the webpage. Create an account (or log into your existing account) and
10 pay your administrative fine. Payments made online are immediately credited to your administrative
11 fine amount.

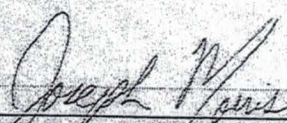
12 ~~-or-~~

13 Mailing a cashier's check or money order to the Board of Registered Nursing, 1747 North Market Blvd,
14 Ste. 150, Sacramento, CA 95834. Please note your citation number on the cashier's check and/or
15 money order and allow 4-6 weeks for processing.

16 Attachments Include:

- 17 A - Statement of Rights;
- 18 B - Payment of Fine - Waiver of Appeal Rights;
- 19 C - Notice of Appeal

20 If you have any questions, please contact [REDACTED] Cite and Fine Analyst, at
21 [REDACTED]

22 
23 _____
24 Joseph L. Morris, PhD, MSN, RN
25 Executive Officer

26 [REDACTED]
27 _____
28 Date