

State of California
Board of Vocational Nursing
and Psychiatric Technicians

DISCIPLINARY GUIDELINES

Revised ~~January 1, 2000~~ June 19, 2007
(Regulations Effective July 1, 2000; Amended _____)



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INTRODUCTION

Business and Professions Code sections 2841.1 and 4501.1 mandate that protection of the public shall be the highest priority for the Board of Vocational Nursing and Psychiatric Technicians (Board) in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

To facilitate uniformity of ~~penalties~~ disciplinary orders and to ensure that its disciplinary policies are known, the Board of Vocational Nursing and Psychiatric Technicians ~~establishes~~ adopted these Disciplinary Guidelines. The guidelines are intended for use by individuals involved in disciplinary proceedings against vocational nurse and psychiatric technician licensees or applicants, including administrative law judges and attorneys, as well as the Board members who review proposed decisions and stipulations and have ultimate authority to make final decisions.

While recognizing the concept that administrative law judges must be free to exercise their discretion ~~in such cases~~, the Board requests that these guidelines be followed to the extent possible and that any departures ~~therefrom~~ be noted and explained in the Proposed Decision.

The Board requests that matters in extenuation and mitigation, as well as those in aggravation, be fully considered and noted in the Proposed Decision. Of primary importance is the effect the respondent's conduct had or ~~can have~~ could have had on the health, safety and welfare of California consumers.

REGULATORY AUTHORITY

California Code of Regulations, Title 16 Section 2524 & Section 2579.10

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code §section 11400 et seq.) the Board shall consider the disciplinary guidelines entitled “Disciplinary Guidelines”, (~~Rev. 1/1/2000~~ Rev. 6/19/07), which are hereby incorporated by reference. Deviation from these guidelines~~and orders~~, including the standard ~~terms~~ conditions of probation, is appropriate where the Board, in its sole discretion, determines that the facts of the particular case warrant such a deviation - for example, the presence of mitigating factors; the age of the case; evidentiary problems.

FACTORS TO BE CONSIDERED

In determining whether revocation, suspension or probation should be imposed in a given disciplinary action, the following factors should be considered:

- *Nature and severity of the act(s), offense(s), or crime(s) under consideration.*
- *Actual or potential harm to the public.*
- *Actual or potential harm to any patient.*
- ~~Prior~~ Overall disciplinary record.
- Overall criminal actions taken by any federal, state or local agency or court.
- *Prior warnings on record or prior remediation.*
- *Number and/or variety of current violations.*
- *Mitigation evidence.*
- ~~Rehabilitation evidence.~~
- *In case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.*
- ~~Overall criminal record.~~
- *Time passed since the act(s) or offense(s) occurred.*
- *If applicable, evidence of ~~expungement~~ proceedings to dismiss a conviction pursuant to Penal Code Section 1203.4.*
- Cooperation with the Board and other law enforcement or regulatory agencies.
- Other rehabilitation evidence.

**SUMMARY LIST OF THE
STANDARD & OPTIONAL ~~TERMS~~ CONDITIONS
OF PROBATION**

Standard ~~Terms~~ Conditions of Probation (1-~~12~~14)

1. *Obey All Laws*
2. *Compliance With Probation Program ~~and Quarterly Report Requirements~~*
3. *Submit Written Reports*
34. *Notification of Address and Telephone Number Change*
45. *Notification of Residency or Practice Outside of State*
5. ~~*Notification to Employer(s)*~~
6. *~~Interview/Meetings~~ With Board Representative(s)*
7. *Notification to Employers*
78. *Employment Requirements and Limitations*
89. *Supervision Requirements*
910. *Completion of Educational Course(s)*
1011. *Maintenance of Valid License*
1112. *Cost Recovery Requirements*
13. *License Surrender*
1214. *Violation of Probation*

Optional Terms Conditions of Probation (12-2215-25)

- *If relevant to the violation, Any of the optional ~~terms~~ conditions may be included ~~if relevant to the violation~~ in the probation requirements.*
- *If the offense involves alcohol and/or drug abuse, ~~Terms #13-#22~~ Conditions #19-#23 are usually required (in addition to the Standard Terms Conditions #1-#12#14). Conditions #16-#18 are also recommended, if relevant.*
- *If the respondent's license has been or will have been expired for over four (4) years by the time a decision is rendered, the Respondent shall be required to take and pass the licensure examination (~~Term #21~~ Condition #24).*
- *If the cases involves mental illness, ~~Terms #13-#15~~ Conditions #16-#18 are recommended.*

15. Suspension of License

~~13~~16. *Examination ~~B~~by a Physician*

~~14~~17. *Psychiatric/Psychological Evaluation*

~~15~~18. *Psychotherapy*

~~16~~19. *Rehabilitation Program*

~~17~~20. *Chemical Dependency Support & Recovery Groups*

~~18~~21. *Abstain from Controlled Substances*

~~19~~22. *Abstain from Use of Alcohol and Products Containing Alcohol*

~~20~~23. *Submit Biological Fluid Samples*

~~21~~24. *Take and Pass Licensure Examination*

~~22~~25. *Restrictions on Licensed Practice*

STANDARD TERMS AND CONDITIONS OF PROBATION [1-1214]

1. OBEY ALL LAWS

Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and all violations of the law, including alleged violations, to the Board within five (5) days of occurrence.

To ensure compliance with this ~~term~~condition, respondent shall submit ~~two (2)~~ completed fingerprint cards and the applicable fingerprint processing fees to the Board fingerprints through the Department of Justice and Federal Bureau of Investigation within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprints cards were ~~already~~previously submitted by the Respondent as part of his/her licensure application process effective July 1, 1996 to the Board.

Respondent shall also submit to the Board a recent 2" x 2" photograph of himself/herself within thirty (30) days of the effective date of the decision.

If respondent is under a criminal court order, including probation or parole, and the order is violated, it shall be deemed a violation of these probation conditions.

2. COMPLIANCE WITH PROBATION PROGRAM AND QUARTERLY REPORT REQUIREMENTS

Respondent shall fully comply with ~~terms and~~ the conditions of the probation established by the Board and shall cooperate with ~~the~~ representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Probation Program.

Upon successful completion of probation, the Respondent's license will be fully restored.

~~Respondent shall submit quarterly reports, under penalty of perjury, in a form required by the Board. The reports shall certify and document compliance with all the conditions of probation.~~

3. SUBMIT WRITTEN REPORTS

Respondent shall submit or cause to be submitted, under penalty of perjury, any written reports, declarations and verification of actions as required by the Board or its representatives. These reports or declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

In the first report, respondent shall provide a list of all states and territories where he/she has ever been licensed as a vocational/practical nurse, psychiatric technician, or registered nurse. Respondent shall provide information regarding the status of each license and any change in license status during the period of probation. Respondent shall inform the Board if he/she applies for or obtains a new nursing or psychiatric technician license during the period of probation.

Respondent shall provide a copy of the Board's decision to the regulatory agency in every state and territory in which he/she has applied for or holds a vocational/practical nurse, psychiatric technician and/or registered nurse license.

34. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S)

Respondent shall notify the Board, in writing, within five (5) days of ~~a change of residence or mailing address, of his/her new address and any change in his/her work and~~ any change in address or home telephone number(s).

Respondent's failure to claim mail sent by the Board may be deemed a violation of these probation conditions.

45. NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF STATE

Respondent shall notify the Board, in writing, within five (5) days, if he/she leaves California to reside or practice in another state. Periods of residency or practice outside of California shall not apply toward a reduction of this probation time period. If respondent resides or practices outside of California, the period of probation shall be automatically extended for the same time period he/she resides or practices outside of California. The respondent shall provide written notice to the Board within five (5) days of any change of residency or practice.

Respondent shall notify the Board, in writing, within five (5) days, upon his/her return to California.

~~The period of probation shall not run during the time Respondent is residing or practicing outside California.~~

5. NOTIFICATION TO EMPLOYERS

~~When currently employed or applying for employment in any capacity in any health care profession, Respondent shall notify his/her employer of the probationary status of Respondent's license. This notification to the Respondent's current health care employer shall occur no later than the effective date of the Decision. The respondent shall notify any prospective health care employer of his/her probationary status with the Board prior to accepting such employment. This notification shall be by providing the employer or prospective employer with a copy of the Board's Accusation and Disciplinary Decision.~~

~~The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical health care positions.~~

~~Respondent shall cause each health care employer to submit quarterly reports to the Board. The reports shall be on a form provided by the Board, shall include a performance evaluation and such other information as may be required by the Board.~~

~~Respondent shall notify the Board, in writing, within five (5) days of any change in employment status. Respondent shall notify the Board, in writing, if he/she is terminated from any nursing or health care related employment with a full explanation of the circumstances surrounding the termination.~~

6. INTERVIEWS/MEETINGS WITH BOARD REPRESENTATIVE(S)

~~Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board, or its designated representatives.~~

7. NOTIFICATION TO EMPLOYER(S)

When currently employed or applying for employment in any capacity in any health care profession, respondent shall notify his/her employer of the probationary status of respondent's license. This notification to the respondent's current health care employer shall occur no later than the effective date of the Decision. The respondent shall notify any prospective health care employer of his/her probationary status with the Board prior to accepting such employment. At a minimum, this notification shall be accomplished by providing the employer or prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical health care positions.

Respondent shall cause each health care employer to submit to the Board all performance evaluations and any other employment related reports as required by the Board. Respondent shall notify the Board, in writing, of any difficulty in securing employer reports within five (5) days of such an event.

Respondent shall notify the Board, in writing, within five (5) days of any change in employment status. Respondent shall notify the Board, in writing, if he/she is terminated or separated, regardless of cause, from any nursing or health care related employment with a full explanation of the circumstances surrounding the termination or separation.

78. EMPLOYMENT REQUIREMENTS AND LIMITATIONS

~~During probation,~~ Respondent shall work in his/her licensed capacity in the State of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

~~While on probation,~~ Respondent shall not work for a nurses' registry or in any private duty position, a temporary nurse placement agency, as a faculty member in an accredited or approved school of nursing, or as an instructor in a Board approved continuing education course except as approved, in writing, by the Board. Respondent shall work only on a regularly assigned, identified and predetermined work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

89. SUPERVISION REQUIREMENTS

~~Respondent shall obtain prior approval from the Board, before commencing any employment, regarding the level of supervision provided to the respondent while employed as a licensed vocational nurse or psychiatric technician~~

Before commencing or continuing employment in any health care profession, respondent shall obtain approval from the Board of the supervision provided to the respondent while employed.

Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians, certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

910. COMPLETION OF EDUCATIONAL COURSE(S)

Respondent, at his or her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation; ~~or the Respondent shall be suspended from practice, until he or she has enrolled in and has successfully completed the specified coursework.~~

The coursework shall be in addition to that required for license renewal. The Board shall notify the ~~R~~respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, ~~R~~respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, ~~R~~respondent shall ~~cause the instructor to furnish proof~~ submit "original" completion certificates to the Board within thirty (30) days of course completion.

1011. MAINTENANCE OF VALID LICENSE

Respondent shall, at all times ~~while on probation~~, maintain an active current license with the Board; including any period ~~during which~~ of suspension ~~or probation is tolled.~~

If an initial license must be issued (Statement of Issues) or a license is reinstated, probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board's decision.

Should respondent's license expire, by operation of law or otherwise, ~~expire~~, upon renewal or reinstatement, respondent's license shall be subject to any and all ~~terms~~conditions of this probation not previously satisfied.

1112. COST RECOVERY REQUIREMENTS

~~Where an order for recovery of costs is made, the Respondent shall make timely payment as directed in the Board's Decision~~ Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code §section 125.3 in the amount of \$ _____.

Respondent shall be permitted to pay these costs in a payment plan approved by the Board with payments to be completed no later than three months prior to the end of the probation period. The filing of bankruptcy by respondent shall not relieve respondent of his/her responsibility to reimburse the Board for its investigation and prosecution costs. Failure to make payments in accordance with any formal agreement entered into with the Board or pursuant to any Decision by the Board shall be considered a violation of probation.

~~The Board may conditionally renew or reinstate, for a maximum of one year, the license of any respondent who demonstrates financial hardship. The Respondent shall enter into a formal agreement with the Board to reimburse the unpaid costs within that one year period.~~

If respondent has not complied with this condition during the probationary period, and respondent presents sufficient documentation of his/her good faith effort to comply with this condition, and if no other conditions have been violated, the Board or its representatives may, upon written request from the respondent, extend the probation period up to one year, without further hearing, in order to comply with this condition. During the extension, all original conditions of probation will apply.

Except as provided above, the Board shall not renew or reinstate the license of any ~~R~~espondent who has failed to pay all the costs as directed in a Decision.

13. LICENSE SURRENDER

During probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation, respondent may surrender his/her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request without further hearing. Upon formal acceptance of the tendered license, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A licensee who surrenders his/her license may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision for the surrender:

- Three (3) years for reinstatement of a license surrendered for any reason other than a mental or physical illness; or
- One (1) year for a license surrendered for a mental or physical illness.

1214. VIOLATION OF PROBATION

If ~~the R~~espondent violates the conditions of his/her probation, the Board, after giving the ~~R~~espondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (denial/revocation/suspension) of the ~~R~~espondent's license. If during probation, an accusation or petition to revoke probation has been filed against the ~~R~~espondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the ~~R~~espondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. ~~Upon successful completion of probation, the Respondent's license will be fully restored.~~

OPTIONAL ~~TERMS AND CONDITIONS~~ OF PROBATION [13-2215-25]

15. SUSPENSION OF LICENSE

Respondent is suspended from practice as a vocational nurse/psychiatric technician for _____ month(s) (period not to exceed one year) beginning the effective date of this decision.

During suspension, all probation conditions are in full force and effect except those relating to actual practice. The period of suspension will not apply to the reduction of this probationary period. The probation shall be automatically extended for the same time period as the length of suspension.

1316. EXAMINATION BY A PHYSICIAN

Within sixty (60) days of the effective date of the Decision, ~~R~~respondent shall submit to a physical examination by a physician of his/her choice who meets minimum criteria established by the Board. The physician must be licensed in California and Board certified in Family Practice, Internal Medicine or a related specialty. The purpose of this examination shall be to determine ~~R~~respondent's ability to perform all professional duties with safety to self and to the public. Respondent shall provide the examining physician with a copy of the Board's Disciplinary Order prior to the examination. ~~The~~ ~~C~~ost of such examination shall be paid by the ~~R~~respondent.

Respondent shall cause the physician to ~~complete~~ submit to the Board a written medical report ~~on a form provided by the Board in a format acceptable to the Board~~. This report shall be submitted ~~by the physician to the Board~~ within ninety (90) days of the effective date of the Decision. If the examining physician finds that ~~R~~respondent is not physically fit to practice or can only practice with restrictions, the examining physician shall notify the Board, in writing, within five (5) working days. The Board shall notify the respondent in writing of the examining physician's determination of unfitness to practice and shall order the respondent to cease or restrict licensed activities as a condition of probation.

Respondent shall comply with this condition until the Board is satisfied of respondent's fitness to practice safely and has so notified the respondent. Respondent shall document compliance in the manner required by the Board.

1417. PSYCHIATRIC/PSYCHOLOGICAL EVALUATION

Within sixty (60) days of the effective date of the Decision, ~~R~~espondent shall submit to a psychiatric/psychological evaluation. The evaluation shall be performed by a psychiatrist licensed in California and Board certified in psychiatry, or by a clinical psychologist licensed in California. This evaluation shall be for the purpose of determining ~~R~~espondent's current mental, psychological and emotional fitness to perform all professional duties with safety to self and to the public. Respondent shall provide the evaluator with a copy of the Board's Disciplinary Order prior to the evaluation. The Cost of such evaluation shall be paid by the ~~R~~espondent.

Respondent shall cause the evaluator to submit to the Board a written ~~psychological~~ report concerning ~~R~~espondent's status and progress as well as such other information as may be requested by the Board. This report shall be submitted in a format acceptable to the Board within ninety (90) days from the effective date of the Decision.

If the evaluator finds that ~~R~~espondent is not psychologically fit to practice safely, or can only practice with restrictions, the evaluator shall notify the Board, in writing, within five (5) working days. The Board shall notify the respondent in writing of the evaluator's determination of unfitness to practice and shall order the respondent to cease or restrict licensed activities as a condition of probation. Respondent shall comply with this condition until the Board is satisfied of respondent's fitness to practice safely and has so notified the respondent. Respondent shall document compliance in the manner required by the Board.

If the evaluator finds that psychotherapy is required, ~~R~~espondent shall participate in a therapeutic program at the Board's discretion. The Cost of such therapy shall be paid by the ~~R~~espondent.

1518. PSYCHOTHERAPY

Within sixty (60) days of the effective date of the Decision, ~~R~~espondent shall submit to the Board the name of one or more proposed therapists for prior approval. Respondent shall participate in ongoing psychotherapy with a California licensed or legally registered mental health professional who has been approved by the Board. ~~Upon approval by the Board, Respondent shall commence psychotherapy.~~ Respondent shall provide the therapist with a copy of the Board's Disciplinary Order no later than the first ~~counseling~~therapy session. ~~Counseling~~Therapy sessions shall be at least once a week unless otherwise determined by the Board. Respondent shall continue in such therapy at the Board's discretion. ~~The~~Cost of such therapy shall be paid by the ~~R~~espondent.

Respondent shall cause the therapist to submit to the Board a written report concerning ~~R~~espondent's psychotherapy status and progress as well as such other information as may be requested by the Board. The initial psychotherapy report shall be submitted in a format acceptable to the Board within ninety (90) days from the effective date of the Decision. Respondent shall cause the therapist to submit quarterly written reports to the Board concerning ~~R~~espondent's fitness to practice, progress in treatment and to provide such other information as may be required by the Board.

If the therapist finds that ~~R~~espondent is not psychologically fit to practice safely, or can only practice with restrictions, the therapist shall notify the Board, in writing, within five (5) working days. The Board shall notify the respondent in writing of the therapist's determination of unfitness to practice and shall order the respondent to cease or restrict licensed activities as a condition of probation. Respondent shall comply with this condition until the Board is satisfied of respondent's fitness to practice safely and has so notified the respondent. Respondent shall document compliance with this condition in the manner required by the Board.

1619. REHABILITATION PROGRAM

Within thirty (30) days of the effective date of the Decision, ~~R~~espondent shall enter a rehabilitation and monitoring program specified by the Board. Respondent shall successfully complete such treatment contract as may be recommended by the program and approved by the Board. Respondent shall submit written verification of successful completion of such treatment in a format acceptable to the Board within thirty (30) days of completion.

Components of the treatment contract shall be relevant to the violation and to the respondent's current status in recovery or rehabilitation. The components may include, but are not limited to: restrictions on practice and work setting, random bodily fluid testing, abstention from drugs and alcohol, use of work site monitors, participation in chemical dependency rehabilitation programs or groups, psychotherapy, counseling, psychiatric evaluations and other appropriate rehabilitation or monitoring programs. The cost for participation in this program shall be paid by the ~~R~~respondent.

1720. CHEMICAL DEPENDENCY SUPPORT ~~/~~ & RECOVERY GROUPS

Within five (5) days of the effective date of the Decision, ~~R~~respondent shall begin attendance at a chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support Group). Verified documentation of attendance shall be submitted by the ~~R~~respondent with each quarterly written report as required by the Board. Respondent shall continue attendance in such a group for the duration of probation.

1821. ABSTAIN FROM CONTROLLED SUBSTANCES

Respondent shall completely abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness.

1922. ABSTAIN FROM USE OF ALCOHOL

Respondent shall completely abstain from the use of alcoholic beverages and products containing alcohol ~~during the period of probation~~.

2023. SUBMIT BIOLOGICAL FLUID SAMPLES

Respondent shall immediately submit to biological fluid testing, at ~~R~~respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and the ~~R~~respondent's current employer.

2124. TAKE AND PASS LICENSURE EXAMINATION

(Statement of Issues)

Prior to commencing practice, Respondent shall take and pass the licensure exam currently required of new applicants for the license possessed by respondent within two (2) years from the effective date of the Board's decision. Respondent shall pay the established examination fees.

As a condition for reinstatement of a license, Respondent shall take and pass the licensure exam currently required of new applicants to resuming practice. Respondent shall pay the established examination and licensing fees.

All standard terms or any other terms of probation shall be tolled. This probationary period shall not commence until the Respondent has successfully passed the licensure examination and notice of licensure has been mailed to the Respondent a license is issued by the Board. The Respondent's failure to pass the licensure examination within two (2) years shall be considered a violation of his/her probationary status.

(Reinstatement of License)

Prior to resuming practice, respondent shall take and pass the licensure exam currently required of new applicants within two (2) years from the effective date of the Board's decision. Respondent shall pay the established examination fees.

This probationary period shall not commence until the respondent has successfully passed the licensure examination and a license is issued by the Board.

(Current License)

Prior to resuming or continuing practice, respondent shall take and pass the licensure exam currently required of new applicants within two (2) years from the effective date of the Board's decision. Respondent shall pay the established examination fees.

This probationary period shall not commence until the respondent has successfully passed the licensure examination and notice has been mailed to the respondent by the Board.

2225. RESTRICTIONS ON LICENSED PRACTICE

Respondent shall practice only with a specified client population, in a specified practice setting, and/or engage in limited medical procedures. These restrictions shall be specifically defined in the Decision and be appropriate to the violation. Respondent shall be required to document compliance in the manner required by the Board.

~~(1/1/00-6/19/07)~~

BVNPT: VIOLATIONS & RECOMMENDED DISCIPLINARY ACTIONS (Revised January 1, 2000 June 19, 2007)

Disciplinary Violations	VN Program B&P Code	PT Program B&P Code	Maximum Penalty Discipline	Intermediate Penalty Discipline	Minimum Penalty Discipline
1. Unprofessional Conduct	2878(a)	4521(a)	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12 <u>14</u> *Other Terms Conditions-added based upon underlying cause of discipline	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12 <u>14</u>
2. Incompetence and/or Gross Negligence	2878(a)(1)	4521(a)(1)	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12 <u>14</u> *Other Terms Conditions-added based upon underlying cause of discipline	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12 <u>14</u>
3. Conviction of Practicing Medicine	2878(a)(2)	4521(a)(2)	Revocation	---	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12 <u>14</u> *Restricted Practice #22 #25
4. False or Misleading Advertising	2878(a)(3)	4521(a)(3)	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12 <u>14</u>	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12 <u>14</u>
5. Excessive Force, Mistreatment or Abuse of Any Patient	2878(a)(4)	4521(i)	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12 <u>14</u> *Restricted Practice #22 #25 *Other Terms Conditions-added based upon underlying cause of discipline	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12 <u>14</u> * Restricted Practice #22 #25 *Other Terms Conditions-added based upon underlying cause of discipline
6. Failure to Maintain Confidentiality of Patient Medical Information	2878(a)(5)	4521(k)	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12 <u>14</u>	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12 <u>14</u>

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Disciplinary Violations	VN Program B&P Code	PT Program B&P Code	Maximum Penalty Discipline	Intermediate Penalty Discipline	Minimum Penalty Discipline
7. <u>Failure to Report Commission of Act Prohibited by Section</u>	2878(a)(6)	4521(l)	Revocation	Revoc. Stayed: 3 Years Probation Standard Conditions 1-14	Revoc. Stayed: 2 Years Probation Standard Conditions 1-14
78. Procuring a License by Fraud or Misrepresentation	2878(b)	4521(b)	---	---	Revocation
89. Assisting With Criminal Abortion	2878(c)	4521(c)	Revocation	---	Revoc. Stayed: 3 Years Probation Standard Terms Conditions 1-14
910. Violating Terms of Licensing Chapter	2878(d)	4521(d)	Revocation	---	Revoc. Stayed: 3 Years Probation Standard Terms Conditions 1-14 *Other Terms Conditions added based upon underlying cause of discipline
1011. Making False Statement on Application for Initial License	2878(e)	4521(e)	Revocation or Denial of License	---	Revoc. Stayed: 3 Years Probation Standard Terms Conditions 1-14 *Other Terms Conditions added based upon underlying cause of discipline
1112. CONVICTION Substantially Related to Functions of License (Non-Drug Related)	2878(f)	4521(f)	Revocation or Denial of License	Revoc. Stayed: 3 Years Probation Standard Terms Conditions 1-14 *Restricted Practice 2225 *Other Terms Conditions added based upon underlying cause of discipline	Revoc. Stayed: 2 Years Probation Standard Terms Conditions 1-14 *Other Terms Conditions added based upon underlying cause of discipline
1213. Impersonating or Acting as Proxy for Applicant on Exams	2878(g)	4521(g)	---	---	Revocation or Denial of License

BVNPT: VIOLATIONS & RECOMMENDED DISCIPLINARY ACTIONS (Revised January 1, 2000 June 19, 2007)

Disciplinary Violations	VN Program B&P Code	PT Program B&P Code	Maximum Penalty Discipline	Intermediate Penalty Discipline	Minimum Penalty Discipline
1314. Impersonating a Licensee or Permitting Others to Use License	2878(h)	4521(h)	Revocation or Denial of License	---	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12-14 *Other Terms <u>Conditions</u> added based upon underlying cause of discipline
1415. Assisting Physician to Violate Medical Practice Act	2878(i)	4521(j)	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12-14 *Restricted Practice <u>2225</u>	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12-14
1516. Commission of Any Act Involving Dishonesty	2878(j)	4521(n)	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12-14 *Restricted Practice # <u>2225</u>	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12-14
1617. Sexual Misconduct Related to Practice	2878(k)	4521(m)	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12-14 *Restricted Practice # <u>2225</u>	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12-14
1718. Knowing Failure to Follow Infection Control Guidelines	2878(l)	4521(o)	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12-14 *Restricted Practice # <u>2225</u>	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12-14
19. <u>Failure to Report Known Violations</u>	<u>2878.1</u>	<u>4521.2</u>	<u>Revocation</u>	<u>Revoc.Stayed: 3 Years Probation</u> <u>Standard Conditions 1-14</u>	<u>Revoc.Stayed: 2 Years Probation</u> <u>Standard Conditions 1-14</u>

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Disciplinary Violations	VN Program B&P Code	PT Program B&P Code	Maximum Penalty Discipline	Intermediate Penalty Discipline	Minimum Penalty Discipline
<p>1820. Illegal Possession, Prescribing, Self-Administration of Controlled Substances or Dangerous Drugs</p>	2878.5(a)	4521(a)(4)	Revocation	<p>Revoc.Stayed: 3 Years Probation Standard Terms Conditions 1-12-14 Support/Recovery Groups #17 20 Abstain from Drugs #1821 Abstain from Alcohol #1922 Drug Screens #2023 *Other Terms <u>Conditions</u>-added based upon underlying cause of discipline</p>	<p>Revoc.Stayed: 2 Years Probation Standard Terms Conditions 1-12-14 Support/Recovery Groups #17 20 Abstain from Drugs #1821 Abstain from Alcohol #1922 Drug Screens #2023 *Other Terms <u>Conditions</u>-added based upon underlying cause of discipline</p>
<p>1921. Illegal Use of Drugs/Alcohol Posing Danger to Public & Impairs Ability to Practice</p>	2878.5(b)	4521(a)(5)	Revocation	<p>Revoc.Stayed: 3 Years Probation Standard Terms Conditions 1-12-14 Exam by Physician #1316 Support/Recovery Groups #17 20 Abstain from Drugs #1821 Abstain from Alcohol #1922 Drug Screens #2023 Restricted Practice #2225 *Other Terms <u>Conditions</u>-added based upon underlying cause of discipline</p>	<p>Revoc.Stayed: 2 Years Probation Standard Terms Conditions 1-12-14 Support/Recovery Groups #17 20 Abstain from Drugs #1821 Abstain from Alcohol #1922 Drug Screens #2023 *Other Terms <u>Conditions</u>-added based upon underlying cause of discipline</p>

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Disciplinary Violations	VN Program B&P Code	PT Program B&P Code	Maximum Penalty Discipline	Intermediate Penalty Discipline	Minimum Penalty Discipline
2022. CONVICTION of Drug or Alcohol Related Crimes	2878.5(c)	4521(a)(6)	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12-14 Support/Recovery Groups #17 <u>20</u> Abstain from Drugs #18 <u>21</u> Abstain from Alcohol #19 <u>22</u> Drug Screens #20 <u>23</u> Restricted Practice #22 <u>25</u> *Other Terms <u>Conditions</u> -added based upon underlying cause of discipline	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12-14 Support/Recovery Groups #17 <u>20</u> Abstain from Drugs #18 <u>21</u> Abstain from Alcohol #19 <u>22</u> Drug Screens #20 <u>23</u> *Other Terms <u>Conditions</u> -added based upon underlying cause of discipline
2123. Confinement or Committal for Addiction	2878.5(d)	4521(a)(7)	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12-14 Exam by Physician #13 <u>16</u> Support/Recovery Groups #17 <u>20</u> Abstain from Drugs #18 <u>21</u> Abstain from Alcohol #19 <u>22</u> Drug Screens #20 <u>23</u> *Psychiatric/Psychological Evaluation #14 <u>17</u> *Psychotherapy #15 <u>18</u> *Drug/Alcohol Rehab. #16 <u>19</u> *Restricted Practice #22 <u>25</u> *Other Terms <u>Conditions</u> -added based upon underlying cause of discipline	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12-14 Support/Recovery Groups #17 <u>20</u> Abstain from Drugs #18 <u>21</u> Abstain from Alcohol #19 <u>22</u> Drug Screens #20 <u>23</u> *Other Terms <u>Conditions</u> -added based upon underlying cause of discipline

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Disciplinary Violations	VN Program B&P Code	PT Program B&P Code	Maximum Penalty Discipline	Intermediate PenaltyDiscipline	Minimum PenaltyDiscipline
<u>24.</u> Falsify, Make Incorrect, Inconsistent or Unintelligible Entries Pertaining to Drugs	2878.5(e)	4521(a)(8)	---	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12-14 Drug Screens #2023 *Other Terms <u>Conditions</u> added based upon underlying cause of discipline	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12-14
<u>25.</u> Disciplinary Action by Another State, Agency or Licensing Board	2878.8	4521.6(a)	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12-14 *Other Terms <u>Conditions</u> added based upon underlying cause of discipline.	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12-14
<u>26.</u> Failure to Report Child, Elder or Dependent Adult Abuse (Unprofessional Conduct)	2878(a) CCR 16 2520.1 2520.2 2520.3	4521(a) CCR 16 2577.2 2577.3 2577.4	Revocation	Revoc.Stayed: 3 Years Probation Standard Terms <u>Conditions</u> 1-12-14 *Other Terms <u>Conditions</u> added based upon underlying cause of discipline	Revoc.Stayed: 2 Years Probation Standard Terms <u>Conditions</u> 1-12-14 *Other Terms <u>Conditions</u> added based upon underlying cause of discipline

Important Notes:

The Board recognizes that these ~~penalties~~disciplinary orders and conditions of probation are guidelines, and that each disciplinary case must be assessed individually. If individual circumstances exist which justify omissions or deviations from these guidelines, the Board requests that this information be duly noted in the Proposed Decision issued by the Administrative Law Judge hearing the case. This will help the Board to better evaluate the Proposed Decision and to make an official Decision which accurately reflects the facts of each specific disciplinary matter.

* =Optional TermsConditions may be added based upon the underlying cause of discipline.