KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General
DESIREE I. KELLOGG
Deputy Attorney General
State Bar No. 126461
110 West "A" Street, Suite 1100
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2996
Facsimile: (619) 645-2061
Attorneys for Complainant

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Board of Vocational Nursi
and Psychiatric Technician

BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **VERONICA GARCIA** **8018 Orchid Drive** **Corona, CA 92880** **Psychiatric Technician License No. PT 30271** Respondent.	Case No. PT-2009-4560 **ACCUSATION**

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about January 7, 1999, the Board of Vocational Nursing and Psychiatric Technicians issued Psychiatric Technician License Number PT 30271 to Veronica Garcia (Respondent). The Psychiatric Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2012, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118(b) of the Business and Professions Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 4520 of the Code provides, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.).

STATUTORY AND REGULATORY PROVISIONS

6. Section 4521 of the Code states, in pertinent part:

The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

> (a) Unprofessional conduct, which includes but is not limited to any of the following:
>
> ...
>
> (5) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
>
> ...
>
> (i) The use of excessive force upon or the mistreatment or abuse of any patient.
>
> ...

7. Title 16, California Code of Regulations, section 2576.6(b) states in pertinent part:

> (b) A licensed psychiatric technician shall adhere to standards of the profession and shall incorporate ethical and behavioral standards of professional conduct which

include but are not limited to the following:

...

(3) Maintaining professional boundaries with the patient/client;

(4) Abstaining from chemical/substance abuse;

...

COST RECOVERY

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

FACTS

9. Respondent was employed as a Senior Psychiatric Technician at Fairview Developmental Center in Costa Mesa, California in 2007. On or about June 3, 2007, while on duty as a Senior Psychiatric Technician at Fairview Developmental Center, Respondent consumed alcohol and appeared to be under the influence of alcohol. A Psychiatric Technician and a Psychiatric Technician Assistant on duty and employed at Fairview Developmental Center observed Respondent to be stumbling or "falling over," speaking and laughing loudly and smelled alcohol emanating from Respondent. Another Psychiatric Technician Assistant on duty and also employed at the Center observed Respondent being loud and having trouble walking. Another Psychiatric Technician Trainee smelled alcohol emanating from Respondent and observed her carrying a tall black bag that clinked like glass when Respondent opened it. A Senior Psychiatric Technician also on duty and employed by Fairview Developmental Center observed Respondent that day and commented that she did "not doubt that [Respondent] was drinking" alcohol.

10. On or about June 3, 2007, Respondent verbally abused a developmentally disabled patient, Angelita V. A Psychiatric Technician and a Psychiatric Technician Assistant observed Respondent telling Angelita V. "do you feel all right because your hair is jacked up, go fix it," "your hair is [expletive] up and you should comb it and make yourself look pretty," "the only difference between clients and staff is that staff have keys" and "the only reason we are smoking

is because you are crazy and you make us crazy, and you are crazier than we are." Angelita V. had to be redirected to a quiet area to calm down after the conversation with Respondent.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Mistreatment and Abuse of Patient)

11. Respondent is subject to disciplinary action under Code section 4521(i) and title 16, California Code of Regulations, section 2576.6(b)(3) in that Respondent mistreated and emotionally abused a patient as set forth in paragraph 10, above.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Use of Alcohol in a Dangerous or Injurious Manner)

12. Respondent is subject to disciplinary action under Code section 4521(a)(5) and title 16, California Code of Regulations, section 2576.6(b)(4) in that Respondent used alcohol in a manner dangerous or injurious to patients as set forth in paragraphs 9-10, above.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

13. Respondent is subject to disciplinary action under Code section 4521(a) in that Respondent committed unprofessional conduct as set forth in paragraphs 9-10, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Psychiatric Technician License Number PT 30271, issued to Veronica Garcia;

2. Ordering Veronica Garcia to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: May 10, 2011.

TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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