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FILED
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Board of Vocational Nursing and Psychiatric Technicians

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

| | |
|---|---|
| In the Matter of the Petition to Revoke Probation Against:<br><br>**ANGELA MARIE ROWE**<br>300 Glenwood Circle, #107<br>Monterey, CA 93940<br><br>Psychiatric Technician License No. PT 31453<br><br>Respondent. | Case No. T-1165<br><br>**PETITION TO REVOKE PROBATION** |

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Petition to Revoke Probation 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 September 30, 2002, the Board of Vocational Nursing and Psychiatric Technicians issued Psychiatric Technician License Number PT 31453 to Angela Marie Rowe ("Respondent"). The Psychiatric Technician License was in effect at all times relevant to the charges brought herein. The license expired on September 30, 2008, and has not been renewed.

3. In a disciplinary action entitled "In the Matter of Accusation Against

Angela Marie Rowe," Case No. T-1165, the Board of Vocational Nursing and Psychiatric Technicians issued a decision, effective January 27, 2008, in which Respondent's Psychiatric Technician License was revoked. However, the revocation was stayed and Respondent was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

## JURISDICTION

4. This Petition to Revoke Probation is brought before the Board of Vocational Nursing and Psychiatric Technicians, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

5. Section 4520 of the Business and Professions Code ("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.)

6. Section 118(b) of the Code provides, in pertinent part, that the expiration 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. Under section 4545 of the Code, the Board may renew an expired license at any time within four years after the expiration.

## CAUSE TO REVOKE PROBATION

(Failure to Comply with Terms and Conditions of Probation)

7. At all times after the effective date of Respondent's probation, the following pertinent conditions were in effect:

> "b. COMPLIANCE WITH PROBATION PROGRAM AND QUARTERLY REPORT REQUIREMENTS. Respondent shall fully comply with terms and 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.
>
> 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."

"1. VIOLATION OF PROBATION. If Respondent violates the conditions of her probation, the Board, after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed revocation of respondent's license. . . ."

8. Respondent's probation is subject to revocation in that on or about May 28, 2008, Respondent informed the Board that she does not wish to comply with the terms and conditions of probation and wishes to surrender her license.

**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 the probation that was granted by the Board of Vocational Nursing and Psychiatric Technicians in Case No. T-1165 and imposing the disciplinary order that was stayed thereby revoking Psychiatric Technician License No. PT 31453 issued to Angela Marie Rowe;

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

DATED: January 8, 2009.

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

**Exhibit A**

**Decision and Order**

**Board of Vocational Nursing and Psychiatric Technicians Case No. T-1165**

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

| | |
|---|---|
| In the Matter of the First Amended Accusation Against:<br><br>ANGELA MARIE ROWE<br>300 Glenwood Circle, #107<br>Monterey, California 93940<br><br>Psychiatric Technician License No. PT 31453<br><br>Respondent. | Case No. T-1165<br><br>OAH No. L2007070448 |

## DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the Final Decision in the above entitled matter.

This Decision shall become effective on January 27, 2008.

IT IS SO ORDERED this 28th day of December, 2007.

John P. Vertido, L.V.N.
President

BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
STATE OF CALIFORNIA

| | |
|---|---|
| In the Matter of the Accusation Against:<br><br>ANGELA MARIE ROWE,<br><br>Psychiatric Technician<br>License No. PT 31453<br><br>Respondent. | Case No. T-1165<br><br>OAH Case No. L2007070448 |

## PROPOSED DECISION

This matter was heard by Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, in San Luis Obispo, California, on October 1, 2007.

Anne Hunter, Deputy Attorney General, represented Complainant, Teresa Bello-Jones, I.D., M.S.N., R.N.

Respondent represented herself.

Complainant seeks to discipline respondent's license on the bases of three convictions and the conduct underlying the convictions. Respondent presented evidence in mitigation and rehabilitation in support of continued licensure.

Oral and documentary evidence was received at the hearing and the matter was submitted for decision.

## FACTUAL FINDINGS

1. Complainant filed the Accusation in her official capacity as Executive Officer, Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. The Board issued psychiatric technician license number PT 31453 to respondent on September 30, 2002. The license is active and expires on September 30, 2008, unless renewed.

3. a. On April 30, 2003, in the Superior Court, County of San Luis Obispo, State of California, in case number M000340747, respondent was convicted, on her plea of nolo contendere, of violating Vehicle Code section 23152, subdivision (b) (driving a vehicle with a blood alcohol level higher than .08 percent), a misdemeanor.

b. The court suspended imposition of sentence and placed respondent on bench probation for three years on terms and conditions that included service of two days in county jail, payment of a $1,500 fine, and completion of a driving under the influence first offender program. Respondent's subsequent conviction, set forth in factual finding number 4, constituted a violation of probation. Probation was modified to include ten days in county jail instead of two and to start a new three-year probation period on June 11, 2003. Respondent was given the option of paying the fine in $50 monthly installments, if she paid an administrative fee of $30.

c. The facts and circumstances surrounding the conviction are that, on April 5, 2003, at approximately 6:20 p.m., respondent, after consuming alcoholic beverages with her male companion, Milton Hebron (Hebron), was stopped by a police officer while driving at a speed of 89 miles per hour on a state highway.

4. a. On June 11, 2003, in the Superior Court, County of San Luis Obispo, State of California, in case number M000342294, respondent was convicted, on her plea of nolo contendere, of violating Vehicle Code sections 14601.5 (driving with a suspended license) and 23152, subdivision (b), misdemeanors.

b. The court suspended imposition of sentence and placed respondent on bench probation for three years on terms and conditions that included service of 10 days in county jail, payment of a $1,745 fine, and completion of a driving under the influence second offender program. The jail time was to be served concurrently with the term imposed in connection with the matter set forth in factual finding number 3. Respondent was given the option of paying the fine in $60 monthly installments, if she paid an administrative fee of $30.

c. On this occasion, May 6, 2003, respondent was driving with Hebron and another male companion while under the influence of alcoholic beverages.

5. The convictions set forth in factual finding numbers 3 and 4 are substantially related to the duties, qualifications, and functions of a psychiatric technician because they evidence, to a substantial degree, respondent's present and potential unfitness to discharge the duties of a psychiatric technician. In each instance, respondent showed poor judgment and reckless disregard for the health and safety of others by driving while under the influence of alcoholic beverages.

6. On January 19, 2005, in the Superior Court, County of Monterey, Salinas Division, State of California, in case number MS231476, respondent was convicted, on her plea of guilty, of violating Vehicle Code section 14601.5, a misdemeanor. The court suspended

imposition of sentence and placed respondent on conditional probation for three years on terms and conditions that included service of 10 days in county jail and payment of a $1,000 fine. The incident that led to the conviction occurred on November 14, 2004.

7. The conviction set forth in factual finding number 6, when viewed in the context of respondent's prior two convictions, is also substantially related to the duties, qualifications, and functions of a psychiatric technician. The pattern continued in this third conviction is one of poor judgment by disregarding laws designed to protect the public from unsafe drivers.

8. Respondent is complying with the terms of her current probation, which is due to expire in January 2008. Although she initially violated the terms of her 2003 probation, she ultimately did successfully complete the probationary terms resulting from the 2003 convictions. On June 14, 2006, respondent completed an 18-month driving under the influence counseling program.

9. Respondent resorted to alcohol as relief during a difficult time in her life that involved grieving. She did not drink during her work-day. She now realizes that alcohol is not the solution. She describes herself as a "non-drinker," and has not had an alcoholic beverage in one-and-one-half to two years. She expressed remorse for the conduct that led to the convictions.

10. Respondent worked at Atascadero State Hospital (ASH) from 2000 until 2003, resigning after the second conviction. She left because she did not want the personal problems that were leading to the convictions to affect her ability to care for patients. Her evaluations show that respondent competently discharged her duties as a psychiatric technician. Eleanor Hornibrook trained respondent at ASH and worked closely with her. She wrote that respondent was a very good nurse, who had earned the respect and compliance of patients. Hebron, a coworker at the Hospital, also wrote a letter of support, praising her work ethic, dedication and competence at work.

11. Respondent moved to Monterey County in 2004, and started working at Albertson's grocery store as a meat clerk. In February 2005, she suffered an industrial accident that kept her from working for approximately two years. In early 2007, she started working at Washington Mutual Bank, a job respondent left four months later after becoming pregnant. The bank's branch manager, Cheryl Brown, wrote a letter describing respondent as a dedicated and dependable team player. Respondent's immediate supervisor at the bank, Manny Lial, wrote that respondent is extremely honest, reliable, trustworthy, and well-liked.

12. Respondent is 25 years old. Her life is different now and she feels better. She continues to reside in Monterey County, and has a supporting circle of family and friends. She regularly attends church. She married in June 2007 and is expecting the couple's first child.

13. Respondent plans to stay at home in the near future to care for her baby, but would like to keep her option to work as a psychiatric technician in the future. She is current with her continuing education requirements. Her husband earns approximately $60,000 per year.

14. The Board incurred charges from the Attorney General's office, in the amount of $10,447.25, in connection with its investigation and prosecution in this matter.

## LEGAL CONCLUSIONS

1. Cause exists to suspend or revoke respondent's license pursuant to sections 490, 4521, subdivision (f), and California Code of Regulations, title 16, section 2578, in that she was convicted of crimes substantially related to the qualifications, functions, and duties of a psychiatric technician, by reason of factual finding numbers 3 through 7.

2. Cause exists to suspend or revoke respondent's license pursuant to section 4521, subdivision (a)(5), in that she consumed alcoholic beverages to an extent and in a manner dangerous or injurious to herself and others, by reason of factual finding numbers 3 and 4.

3. Cause exists to order reimbursement of $10,447.25 as the Board's costs of investigation and adjudication pursuant to section 125.3, by reason of factual finding number 14 and legal conclusion numbers 1 and 2.

In *Zuckerman v. State Board of Chiropractic Examiner* (2002) 29 Cal.4th 32 (2002), the Supreme Court rejected a constitutional challenge to a cost regulation similar to section 125.3. In so doing, however, the Court directed the administrative law judge and the agency to evaluate several factors to ensure that the cost provision did not deter individuals from exercising their right to a hearing. Thus, the board must not assess the full costs where it would unfairly penalize the respondent who has committed some misconduct, but who has used the hearing process to obtain the dismissal of some charges or a reduction in the severity of the penalty; the board must consider a respondent's subjective good faith belief in the merits of his or her position and whether the respondent has raised a colorable challenge; the board must consider a respondent's ability to pay; and the board may not assess disproportionately large investigation and prosecution costs when it has conducted a disproportionately large investigation to prove that a respondent engaged in relatively innocuous misconduct. (*Id.*, at p. 45.)

In this case, respondent has demonstrated her inability to pay the entire amount. She will not be working for the foreseeable future, and her husband's income will be necessary to meet the young, and growing, family's expenses. This inability to pay is sufficient under *Zuckerman* to relieve respondent from the obligation to pay all of the Board's costs of investigation and prosecution. A 70 percent reduction is appropriate in these circumstances, and a schedule of payments will be directed. The reasonable costs of investigation and prosecution are, therefore, $3,134.17.

4. All evidence presented in mitigation and rehabilitation has been considered. In brief, while younger and less mature, respondent mistakenly relied on alcoholic beverages to deal with her personal problems and grief. She recognizes that such reliance was in error and has learned from her mistakes. She has a new life centered around church and family. In these circumstances, the order that follows is necessary and sufficient for the protection of the public.

ORDER

1. Psychiatric Technician License No. PT 31453 issued to respondent Angela Marie Rowe is revoked; provided, the revocation is stayed for three years on the following terms and conditions.

a. 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 to the Board within five days of occurrence. To ensure compliance with this term, respondent shall submit two completed fingerprint cards and the applicable fingerprint processing fees to the Board within 30 days of the effective date of the decision, unless the Board determines that fingerprint cards were already submitted by the respondent as part of her licensure application process effective July 1, 1996. Respondent shall also submit a recent 2" x 2" photograph of herself within thirty 30 days of the effective date of the decision.

b. COMPLIANCE WITH PROBATION PROGRAM AND QUARTERLY REPORT REQUIREMENTS. Respondent shall fully comply with terms and 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.

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.

c. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S). Respondent shall notify the Board, in writing, within five days of a change of residence or mailing address, of her new address and any change in her work and/or home telephone numbers.

d. NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF STATE. Respondent shall notify the Board, in writing, within five days, if she leaves California to reside or practice in another state. Respondent shall notify the Board, in writing, within five (5) days, upon her return to California. The period of probation shall not run during the time respondent is residing or practicing outside California.

e. NOTIFICATION TO EMPLOYER(S). When currently employed or applying for employment in any capacity in any health care profession, respondent shall notify 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. Respondent shall notify any prospective health care employer of 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 Decision.

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

f. 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.

g. EMPLOYMENT REQUIREMENTS AND LIMITATIONS. During probation, respondent shall work in her licensed capacity in the State of California. This practice shall consist of no less than six continuous months and of no less than 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.

The period of probation shall not run during the time respondent is not working in a licensed capacity in the State of California.

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

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.

i. COMPLETION OF EDUCATIONAL COURSE(S). Respondent, at her own expense, shall enroll and successfully complete a course substantially related to the violations no later than the end of the first year of probation; or the respondent shall be suspended from practice until 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 respondent of the course content and number of contact hours required. Within 30 days of the Board's written notification of assigned coursework, 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, respondent shall cause the instructor to furnish proof to the Board within 30 days of course completion.

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

k. COST RECOVERY REQUIREMENTS. Respondent shall reimburse the Board for its reasonable costs of investigation and enforcement, $3,134.17, pursuant to Business and Professions Code Section 125.3. She shall make timely payment, in equal quarterly payments during the period of probation. 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. Respondent shall enter into a formal agreement with the Board to reimburse the unpaid costs within that one year period. Except as provided above, the Board shall not renew or reinstate Respondent's license if she has failed to pay all the costs as directed in a Decision.

If probation is tolled while respondent is not employed, this cost repayment obligation shall also be tolled.

1. VIOLATION OF PROBATION. If Respondent violates the conditions of her probation, the Board, after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed revocation of respondent's license. If during the period of probation, an accusation or petition to revoke has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent'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, respondent's license will be fully restored.

2. Respondent Angela Marie Rowe is ordered to reimburse the Board the sum of $3,134.17 for its costs of investigation and prosecution, in equal quarterly payments during the period of probation. If probation is tolled while respondent is not employed, this cost repayment obligation shall also be tolled.

DATED: 10/30/07

SAMUEL D. REYES
Administrative Law Judge
Office of Administrative Hearings

BILL LOCKYER, Attorney General
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Board of Vocational Nursing
and Psychiatric Technicians

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

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|---|---|
| In the Matter of the First Amended Accusation Against:<br><br>ANGELA MARIE ROWE<br>60 Stephanie Dr. Apt. D206<br>Salinas, CA 93901<br><br>Psychiatric Technician License No. PT 31453<br><br>Respondent. | Case No. T-1165<br><br>**FIRST AMENDED ACCUSATION** |

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this First Amended 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 September 30, 2002, the Board of Vocational Nursing and Psychiatric Technicians issued Psychiatric Technician License No. PT 31453 to Angela Marie Rowe (Respondent). The Psychiatric Technician License will expire on September 30, 2008, unless renewed.

JURISDICTION

3. This First Amended 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.

STATUTORY PROVISIONS

4. Section 4520 of the Business and Professions Code (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.)

5. Section 118, subdivision (b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 4545 of the Code, the Board may renew an expired license at any time within four years after the expiration.

6. Section 4521 of the Code states:

"The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law] 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 Article 8 (commencing with Section 4210) of Chapter 9 of Division 2, 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.

. . .

"(f) Conviction of any offense substantially related to the qualifications, functions, and duties of a psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

7. Section 490 of the Code states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

8. California Code of Regulations, title 16, section 2578, states:

"For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed psychiatric technician if to a substantial degree it evidences present or potential unfitness of a licensed psychiatric technician to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare.

9. 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.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crimes)

10. Respondent is subject to disciplinary action under sections 4521, subdivision (f) and 490 as defined in California Code of Regulations, title 16, section 2578 in that Respondent was convicted of a substantially related crimes. The circumstances are as follows:

a. On or about January 19, 2005, Respondent was convicted by the Court on

a plea of guilty in violation of Vehicle Code section 14601.5(a), a misdemeanor, (driving with a suspended license) in the Superior Court of the State of California , County of Monterey, Salinas Division, Case MS231476A, entitled *The People of the State of California v. Angela Marie Rowe*.

b. The circumstances surrounding the conviction are that on or about November 12, 2004, Respondent was driving on a suspended license.

c. On June 11, 2003, in Respondent was convicted by the Court on two counts on a plea of nolo contendere in violation of Vehicle Code section 14601.5(a), a misdemeanor, (driving with a suspended license), and Vehicle Code section 23152(b), a misdemeanor, (driving a vehicle under the influence with a blood alcohol level greater than 0.08%), in the Superior Court of California, County of San Luis Obispo, San Luis Branch District Case No. M000342294, entitled *The People of the State of California v. Angela Marie Rowe*.

d. The circumstances surrounding the conviction are that on or about May 6, 2003, Respondent drove a vehicle under the influence with a blood alcohol level greater than 0.08%.

e. On or about April 30, 2003, in Respondent was convicted by the Court on a plea of nolo contendere in violation of Vehicle Code section 23152(b), a misdemeanor, (driving a vehicle under the influence with a blood alcohol level greater than 0.08%), in the Superior Court of California, County of San Luis Obispo, San Luis Branch Case No. M000340747, entitled *The People of the State of California v. Angela Marie Rowe*.

f. The circumstances surrounding the conviction are that on or about April 5, 2003, Respondent drove a vehicle under the influence with a blood alcohol level greater than 0.08%.

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

11. Respondent is subject to disciplinary action under section Business & Professions Code section 4521, subdivision (a)(5) in that Respondent consumed alcoholic

beverages to an extent or in a manner dangerous or injurious to herself, to any person, or to the public, as set forth more fully set forth in paragraph 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 No. PT 31453, issued to Angela Marie Rowe;

2. Ordering Angela Marie Rowe 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; and,

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

DATED: 11/22/06

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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