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

In the Matter of the Accusation Filed Against: LAVONNE KAY WILLOUGHBY 7108 Hogee Drive Paramount, CA 90723 Vocational Nurse License No. VN 205302 Respondent.	Case No.: VN-2006-2295 **DEFAULT DECISION AND ORDER**

Lavonne Kay Willoughby ("Respondent") was served Accusation No. VN-2006-2295; Statement to Respondent; Notice of Defense form; copies of Government Code sections 11507.5, 11507.6 and 11507.7; and Request for Discovery by both first class and certified mail on October 27, 2008, at her address of record and also at County of Riverside, Department of Mental Health, 3190 Chicago Avenue, Riverside, CA 92507, as provided in sections 11503 and 11505 of the Government Code of the State of California.

Respondent failed to file a Notice of Defense within the time specified in Government Code section 11506.

The Bureau of Vocational Nursing and Psychiatric Technicians ("Bureau") has determined that Respondent has waived her rights to a hearing to contest the merits of the Accusation and that the Bureau will take action on the Accusation without a hearing, pursuant to Government Code section 11520.

The Bureau makes the following findings of fact:

FINDINGS OF FACT

1. Teresa Bello-Jones, J.D., M.S.N., R.N., made and filed the Accusation solely in her capacity as the Bureau's Executive Officer.

2. On July 31, 2003, the Bureau issued Vocational Nurse License Number VN 205302 to Respondent. Said license expired on December 31, 2006 and has not been renewed.

3. Pursuant to Business and Professions Code sections 101.1(b) and 150, the Department of Consumer Affairs has succeeded to and is vested with all duties, powers, purposes,

responsibilities and jurisdiction not otherwise repealed or made inoperative of the Bureau and its executive officer; that the department is under the control of the Director of Consumer Affairs.

4. Pursuant to Business and Professions Code section 2875, the Bureau may discipline any licensed vocational nurse for any reason provided in Article 3 of the Vocational Nursing Practice Act.

5. Pursuant to Business and Professions Code section 118(b), the expiration of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated. Under Business and Professions Code section 2892.1, the Bureau may renew an expired license at any time within four years after the expiration.

6. Respondent has subjected her license to discipline under Business and Professions Code sections 490 and 2878(f), in that Respondent was convicted of crimes that are substantially related to the qualifications, functions, and duties of a licensed vocational nurse, as described in Accusation No. VN-2006-2295, a copy of which is attached as Exhibit "1" and incorporated by reference.

DETERMINATION OF ISSUES

Based on the foregoing Findings of Fact, Respondent has subjected her license to discipline under Business and Professions Code sections 490 and 2878(f).

LOCATION OF RECORD

The record on which this Default Decision is based is located at the Sacramento office of the Bureau of Vocational Nursing and Psychiatric Technicians.

ORDER

WHEREFORE, the Bureau of Vocational Nursing and Psychiatric Technicians makes the following order:

Vocational Nurse License Number VN 205302 authorizing Respondent to act as a vocational nurse is hereby revoked.

Respondent shall have the right to petition for reinstatement of the aforesaid license pursuant to the provision of section 2878.7(a)(1) of the Business and Professions Code.

Respondent shall not be deprived of making any further showing by way of mitigation; however, such showing must be made directly to the Bureau of Vocational Nursing and Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to the effective date of this Decision.

This Default Decision shall become effective on January 30, 2009.

Dated and signed December 23, 2008.

P. J. Harris

PATRICIA HARRIS
Deputy Director, Board/Bureau Support
Department of Consumer Affairs

Attachments: Exhibit "1", Accusation No. VN-2006-2295 and Declaration of Service

Exhibit "1"
Accusation No. VN-2006-2295 and Declaration of Service

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

In the Matter of the Accusation Against: LAVONNE KAY WILLOUGHBY aka LAVONNE KAY McBRIDE 7108 Hogee Drive Paramount, CA 90723 Vocational Nurse License No. VN 205302 Respondent.	Case No. VN-2006-2295 **A C C U S A T I O N**

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 Bureau of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about July 31, 2003, the Bureau of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 205302 to Lavonne Kay Willoughby, also known as Lavonne Kay McBride (Respondent). The Vocational Nurse License expired on December 31, 2006, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Director of Consumer Affairs (Director) for the Bureau 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.

4. Section 118, subdivision (b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.

STATUTORY PROVISIONS

5. Section 490 of the Business and Professions Code (Code) provides, in pertinent part, that the Bureau may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse.

6. Section 2875 of the Code provides, in pertinent part, that the Bureau may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

7. Section 2878 of the Code states:

> The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:
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> . . . .
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> (f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

8. California Code of Regulations, title 16, section 2521, 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 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the

public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

(a) Procuring a license by fraud, misrepresentation, or mistake.

(b) A conviction of practicing medicine without a license in violation of Chapter 5 of Division 2 of the Business and Professions Code.

(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the Business and Professions Code.

(d) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the performance of or arranging for a violation of any of the provisions of Article 13, Chapter 5, Division 2 of the Business and Professions Code.

(e) Conviction of a crime involving fiscal dishonesty.

(f) Any crime or act involving the sale, gift, administration, or furnishing of "narcotics or dangerous drugs or dangerous devices" as defined in Section 4022 of the Business and Professions Code.

9. California Code of Regulations, Title 16, section 2522.5 states:

(a) When considering the suspension or revocation of a license on the ground that a licensed vocational nurse has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

10. 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

(June 12, 2006 Criminal Conviction for Receiving a Stolen Vehicle on May 12, 2006)

11. Respondent has subjected her license to disciplinary action under sections 490 and 2878, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially related to the qualifications, functions, and duties of a licensed vocational nurse. The circumstances are as follows:

a. On or about June 12, 2006, in a criminal proceeding entitled *People of the State of California v. Lavonne Kay Willoughby, aka Lavonne Kay McBride,* Riverside County Superior Court, case number RIF130168, Respondent was convicted on her plea of guilty of violating Penal Code section 496d, subdivision (a), purchasing or receiving a stolen vehicle, a felony.

b. As a result of the conviction, on or about June 12, 2006, Respondent was sentenced to 120 days in the custody of the county sheriff in the RSO weekender program (with credit for 48 days), three years formal probation, and payment of $330 in fees, fines, and restitution. Respondent failed to report to the county sheriff by August 4, 2006 to serve her sentence and a bench warrant was issued on September 6, 2006. At a hearing on or about November 28, 2006, Respondent admitting violating the terms of her probation, and was sentenced to an additional 30 days in the custody of the sheriff. At a hearing on July 13, 2007, Respondent's probation was revoked for violating its terms and conditions. A warrant was issued for her arrest. On or about March 1, 2008, the Riverside Police Department arrested Respondent on the warrant. At a probation violation hearing on March 3, 2008, Respondent was committed to the custody of the sheriff for 10 days, with credit for four days. Respondent was further ordered released to the county's Department of Mental Health for transport to a mental health facility.

c. The facts that led to the conviction were that on or about the early morning hours of May 14, 2006, a patrol officer from the Riverside Police Department observed Respondent in a parked Toyota Camry in a public park after hours. The officer obtained information that the vehicle had been reported stolen out of Long Beach. As the officer drove up

to Respondent, she left the park and drove to a nearby hotel parking lot. The officer activated his lights and siren and conducted a felony stop on the vehicle. Respondent was arrested and booked into the Riverside County Jail.

SECOND CAUSE FOR DISCIPLINE

(March 5, 2008 Criminal Conviction for Resisting a Police Officer on May 31, 2007)

12. Respondent has subjected her license to disciplinary action under sections 490 and 2878, subdivision (i) of the Code in that Respondent was convicted of a crime that is substantially related to the qualifications, functions, and duties of a licensed vocational nurse. The circumstances are as follows:

a. On or about July 13, 2007, in a criminal proceeding entitled *People of the State of California v. Lavonne Kay Willoughby,* Riverside County Superior Court, case number RIM500802, Respondent failed to appear at her arraignment. A warrant was issued for her arrest. On or about March 1, 2008, the Riverside Police Department arrested Respondent on the warrant. On or about March 5, 2008, Respondent was convicted on her plea of guilty of violating Penal Code section 148, subdivision (a)(1), willfully resisting and/or obstructing a police officer, a misdemeanor.

b. As a result of the conviction, on or about March 5, 2008, Respondent was sentenced to six days in the custody of the county sheriff, with credit for six days).

c. The facts that led to the conviction were that on or about the morning of May 31, 2007, officers from the Riverside Police Department responded to a call of a disturbance. The reporting party (RP) told the officers that Respondent had been sitting outside, next to a travel trailer that had been parked in front of her house, without her permission, for several days. Since that time, the RP stated she had been having problems with Respondent yelling and screaming. When the RP called the police in front of Respondent, Respondent was verbally abusive and threatened to assault her. The RP requested prosecution and signed a citizen's arrest. The officer interviewed Respondent who stated that a friend had locked her out of the travel trailer and she did not have anywhere to go or any way to move the trailer. The

officer had Respondent stand and place her hands behind her back. When the officer told Respondent she was being placed under arrest, Respondent attempted to break free. Respondent was told several times to stop resisting. Respondent was placed in an arm bar and taken to the ground. Respondent rolled onto her back and kicked the officer several times before he was able to hand-cuff her and place her in his patrol car.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 205302, issued to Lavonne Kay Willoughby;

2. Ordering Lavonne Kay Willoughby to pay the Bureau 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: October 27, 2008

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

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