



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 615075 and Vocational §
Nurse License Number 29734 §
issued to JOSE BERLANGA § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 615075 and Vocational Nurse License Number 29734, issued to JOSE BERLANGA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice professional nursing in the State of Texas is currently in Inactive status. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from San Antonio Vocational Tech School, San Antonio, Texas on March 12, 1964. Respondent was licensed to practice vocational nursing in the State of Texas on July 24, 1964. Respondent received an Associate Degree in Nursing from William Rainey Harper College, Palatine, Illinois on May 1, 1980. Respondent was licensed to practice professional nursing in the State of Texas on April 12, 1995.

5. Respondent's complete employment history is unknown.
6. On or about September 18, 2008, while holding a license as a professional and vocational nurse in the State of Texas, Respondent received a Decision and Order from the Nevada State Board of Nursing wherein Respondent's license to practice professional nursing in the State of Nevada was Revoked with the Revocation Stayed and his license placed on Probation with Stipulations for a period of three (3) years for unprofessional conduct and incompetence. A copy of the Decision and Order from the Nevada State Board of Nursing dated September 18, 2008 is attached and incorporated as a part of this pleading.
7. On or about September 24, 2010, while holding a license as a professional and vocational nurse in the State of Texas, Respondent received a Decision and Order from the Board of Registered Nursing, Department of Consumer Affairs, State of California wherein Respondent's license to practice professional nursing in the State of California was Revoked with the Revocation Stayed and his license placed on Probation with the probation to end on September 24, 2013 for action taken by the Nevada Board of Nursing on September 18, 2008. A copy of the Decision and Order from the Board of Registered Nursing, Department of Consumer Affairs, State of California dated September 24, 2010 is attached and incorporated as a part of this pleading
8. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(8), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 615075 and Vocational Nurse License Number 29734, heretofore issued to JOSE BERLANGA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 615075 and Vocational Nurse License Number 29734, heretofore issued to JOSE BERLANGA, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional or vocational nursing, use the title "registered" or "vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying himself as a registered or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered or vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

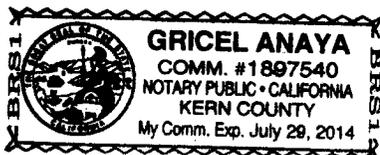
Signed this 23 day of May, 20 11.

Jose Berlanga
JOSE BERLANGA, Respondent

Sworn to and subscribed before me this 23rd day of May, 20 11.

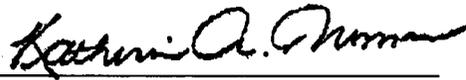
SEAL

[Signature]
Notary Public in and for the State of California



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 615075 and Vocational Nurse License Number 29734, previously issued to JOSE BERLANGA.

Effective this 31st day of May, 2011.



Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

ORIGINAL

BEFORE THE NEVADA STATE BOARD OF NURSING

1
2
3
4 IN THE MATTER OF
5 JOSE BERLANGA
6 LICENSED PROFESSIONAL NURSE
7 NEVADA LICENSE NO. RN34509
8 RESPONDENT

AGREEMENT FOR
PROBATION

CASE NO. 0336-08C

9
10 This Agreement is hereby entered into between JOSE BERLANGA, (RESPONDENT)
11 and the NEVADA STATE BOARD OF NURSING, (BOARD).

12 It is hereby stipulated and agreed, by and between the parties to the above-entitled matter,
13 that the following statements are true:

14 1. Respondent is aware of, understands, and has been advised of the effect of this
15 Agreement, which Respondent herein has carefully read and fully acknowledges. No coercion
16 has been exerted on the Respondent. Respondent acknowledges his right to an attorney at his
17 own expense. The Respondent has had the benefit at all times of obtaining advice from
18 competent counsel of his choice.

19 2. Respondent understands the nature of the allegations under investigation by the
20 Nevada State Board of Nursing. Respondent freely admits that on or about February 13, 2008,
21 while working as a Registered Nurse Clinical Nurse Manager in a trauma surgical unit he entered
22 a surgical suite at the close of an emergency trauma surgery case that he had not previously been
23 involved in, and without order or direction he cut the temperature cord to the foley catheter, tied
24 the Jackson Pratt drain and cut it, and cut the pluravac tubes that were connected to two chest
25 tubes because, "he thought the patient had expired." Emergency procedures were instituted to
26 reconnect the patient's tubing. Respondent acknowledges this conduct constitutes a violation of
27 the Nevada Revised Statutes 632.320 (4) gross negligence or recklessness, (7) unprofessional
28 conduct, and Nevada Administrative Code 632.890 (27) customary standards. Respondent

1 further acknowledges that such acts and admissions subject him to disciplinary action by the
2 Board.

3 3. Respondent is aware of the Respondent's rights, including the right to a hearing
4 on any charges and allegations, the right to an attorney at his own expense, the right to examine
5 witnesses who would testify against him, the right to present evidence in his favor and call
6 witnesses on his behalf, or to testify himself, the right to contest the charges and allegations, the
7 right to reconsideration, appeal or any other type of formal judicial review of this matter, and any
8 other rights which may be accorded to him pursuant to the Nevada Administrative Procedures
9 Act and the provisions of Chapter 632 of the Nevada Revised Statutes and the Nevada
10 Administrative Code. Respondent agrees to waive the foregoing rights upon acceptance of
11 this Agreement by the Board.

12 4. Respondent understands that the Board is free to accept or reject this Agreement,
13 and if rejected by the Board, a disciplinary proceeding may be commenced.

14 5. Should the Agreement be rejected by the Board, it is agreed that presentation to
15 and consideration by the Board of such proposed Agreement, shall not disqualify the Board, or
16 any of its members, from further participation, consideration, adjudication or resolution of these
17 proceedings, and that no Board member shall be disqualified or challenged for bias therefore.

18 6. If, after notice and hearing, Respondent is found to have violated the terms or
19 conditions of probations, the Board may revoke probation for Respondent and carry out the
20 disciplinary order of revocation set forth herein. The Board shall have continuing jurisdiction
21 over any petition to revoke probation filed against Respondent until such matter is final.

22 7. This Agreement shall only become effective when both parties have duly
23 executed it and unless so executed, this Agreement will not be construed as an admission.

24 8. This Agreement shall not be construed as excluding or reducing any criminal or
25 civil penalties or sanction or other remedies that may be applicable under federal, state or local
26 laws.

27 9. This Agreement shall cover any nursing license and/or certificate issued by the
28 State of Nevada.

1 4. ATTENDANCE AT A BOARD MEETING MANDATORY

2 Respondent shall, during the first year of this Agreement, attend a minimum of one meeting of
3 the Nevada State Board of Nursing during which disciplinary hearing are held. This shall not
4 include any meeting at which his own case is considered.

5 5. TIME EARNED OFF PROBATION

6 Respondent shall only receive credit toward service of his probation period while employed in a
7 capacity for which nursing licensure/certification is required and subject to adequate supervision
8 approved by the Board.

9 6. WRITTEN EMPLOYMENT SITE APPROVAL BY BOARD STAFF

10 The Board shall approve all employment sites (changes in specialty and/or work site or unit,
11 including changes within the same facility or under the same employer) requiring a nursing
12 license/certificate prior to commencement of work. Approval is given through the Executive
13 Director, or the Compliance Coordinator.

14 7. WRITTEN NOTIFICATION OF TERMINATION OF EMPLOYMENT TO
15 BOARD

16 Respondent is required to notify the Board in writing within seventy-two (72) hours after
17 commencement or termination of any nursing employment. Any notification regarding
18 termination shall contain a full explanation of the circumstances surrounding it.

19 8. DIRECTION BY A REGISTERED NURSE

20 Respondent shall be employed in a setting in which direction is provided by a Registered Nurse.
21 Direction shall mean: the intermittent observation, guidance and evaluation of the nursing
22 practice by a licensed professional nurse who may only occasionally be physically present; the
23 degree of direction needed shall be determined by an evaluation of the patient care situation, and
24 the demonstrated proficiency of the Respondent.

25 9. RESTRICTION FROM FUNCTIONING IN A SUPERVISORY ROLE

26 Respondent may not function as a supervisor, including as a head nurse or charge nurse for a
27 minimum of one (1) year and unless approved by the Compliance Coordinator and/or the
28 Disability Advisory Committee.

1 10. LIMITATION ON HOURS WORKED

2 Respondent shall not work more than ninety (90) hours in nursing in a two (2) week period.
3 Changes in hours may be approved by the Compliance Coordinator and/or the Disability
4 Advisory Committee.

5 11. SUBMISSION OF AGREEMENT TO IMMEDIATE SUPERVISOR

6 Respondent shall provide a complete copy of this Agreement to her employer and immediate
7 supervisor prior to commencement of work.

8 12. INITIAL SUPERVISOR REPORTS (DUE PRIOR TO BEGINNING
9 EMPLOYMENT)

10 Respondent shall cause his nursing supervisor (the person who is directly responsible for
11 everyday nursing functions) to submit a written report prior to the commencement of
12 employment. A form is provided for this report. A report shall be submitted by each additional
13 or subsequent supervisor during the entire probationary period and shall be due prior to the
14 commencement of employment.

15 13. SUPERVISOR REPORTS

16 Respondent shall cause his nursing supervisor (the person who is directly responsible for
17 everyday nursing functions) to submit monthly written reports to the Board addressing work
18 attendance, reliability, ability to carry out assigned nursing functions, ability to handle stress
19 (change in behavior patterns), and any other information the employer or supervisor feels would
20 assist the Board in its ultimate review of Respondent's case. The supervisor shall include
21 notification of any infractions of laws that come to his attention, and any other relevant
22 information.

23 14. SELF REPORTS

24 Respondent shall submit reports, whether working or not, on his progress, his ability to handle
25 stress, his mental and physical health, his current job duties and responsibilities, his ability to
26 practice nursing safely, and any changes in his plan for meeting the stipulations of this
27 Agreement.

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1 15. REPORT DUE DATES

2 Respondent shall cause all reports to be in writing and submitted directly to the Board on a
3 monthly basis **whether working or not** unless otherwise specified. These reports shall begin
4 one (1) month subsequent to the execution of this Agreement and are due no later than the last
5 day of the month. It is the obligation of the Respondent to ensure that all written reports are on
6 time. The failure to submit the reports on time may be considered a violation of this Agreement.
7 Changes in the frequency of reporting may be approved by the Executive Director or the
8 Compliance Coordinator and/or the Disability Advisory Committee.

9 16. ATTENDANCE AT ORIENTATION MANDATORY

10 Respondent shall attend an orientation meeting to facilitate understanding and accountability of
11 the terms and conditions of this Agreement as scheduled by the Compliance Coordinator.
12 Failure to attend this orientation will be considered a violation of this Agreement.

13 17. REQUIREMENT TO MEET WITH THE BOARD OR STAFF UPON
14 REQUEST

15 Respondent shall meet with the Board or its representatives upon request and shall cooperate
16 with representatives of the Board in their supervision and investigation of Respondent's
17 compliance with the terms and conditions of this Agreement.

18 18. FINANCIAL RESPONSIBILITIES AND MONITORING FEES (DUE
19 MONTHLY)

20 Respondent shall be financially responsible for all requirements of this Agreement, including any
21 financial assessments by the Board for the cost of monitoring his compliance with this
22 Agreement. Respondent may be assessed a late fee for monitoring fees that are received more
23 than ten (10) calendar days after the due date.

24 19. REQUIRED NOTIFICATION OF OTHER STATES OF LICENSURE
25 AND/OR CERTIFICATION

26 Respondent shall, upon execution of this Agreement, provide a copy of this Agreement to any
27 other state Board of Nursing in whose jurisdiction he has been issued a nursing license/certificate
28

1 (current or not). Respondent shall also provide a copy of this Agreement to any other regulatory
2 agency in whose jurisdiction he has applied or will apply for a license/certificate.

3 20. VIOLATIONS TO BE REPORTED TO BOARD WITHIN SEVENTY-TWO
4 (72) HOURS

5 Respondent shall practice in accordance with the Nurse Practice Act and Board established
6 Standards of Practice. Respondent shall obey all federal, state and local laws, employer policy or
7 contracts, and orders of the Board, pertaining to the practice of nursing in this state. Any and all
8 violations shall be reported by the Respondent to the Board in writing within seventy-two (72)
9 hours. It is the Respondent's responsibility to resolve with the Executive Director, or the
10 Compliance Coordinator any confusion regarding what laws pertain to nursing.

11 21. CONSEQUENCES OF FURTHER VIOLATIONS INCLUDING
12 VIOLATIONS OF THIS AGREEMENT; AGREEMENT TO SURRENDER
13 LICENSE AND/OR CERTIFICATE

14 Respondent acknowledges that if he should violate one or more of the terms of restricted
15 licensure/certification, the Board may revoke, or invoke other appropriate discipline against his
16 license/certificate to practice nursing, subject only to the requirement that the Board shall, prior
17 to such disciplinary action, conduct a hearing in accordance with the Nevada Nurse Practice Act
18 for the limited purpose of establishing that there has, in fact, been a violation of the stipulations
19 of this Agreement. In the event that a violation of the stipulations is alleged, Respondent agrees
20 to surrender his license/certificate to the Executive Director, or the Compliance Coordinator, if
21 they so request, and refrain from practicing nursing until entry of a final order of the Board or a
22 court of competent jurisdiction, whichever last occurs, regarding a potential violation.

23 22. REPORTING TO NATIONAL DISCIPLINARY DATA BANKS

24 This agreement will become part of the Respondent's permanent record, will become public
25 information, will be published with the list of disciplinary actions the Board has taken, and may
26 be reported to any national repository which records disciplinary action taken against licensees
27 or holders of certificates; or any agency or another state which regulates the practice of nursing.
28 The Agreement may be used in any subsequent hearings by the Board.

1 23. TERMINATION OF PROBATION

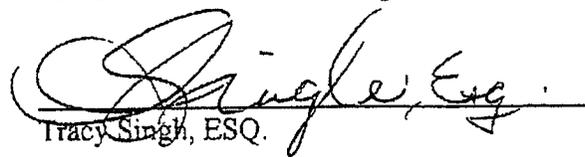
2 Upon completion of the stipulations of this Agreement, Respondent shall apply for termination
3 of probation and issuance of unrestricted licensure/certification on forms supplied by the Board.
4 Respondent shall meet with the Compliance Coordinator and/or the Disability Advisory
5 Committee for evaluation of compliance and recommendation for termination of probation. The
6 probation shall continue until terminated by the Board.

7 NEVADA STATE BOARD OF NURSING retains jurisdiction in this case until all
8 conditions have been met to the satisfaction of the Board.

9 Dated this 17th day of September, 2008


RESPONDENT
JOSE BERLANGA

12 Dated this 17th day of September 2008


Tracy Singh, ESQ.

16 Accepted and approved this 18 day of Sept., 2008

NEVADA STATE BOARD OF NURSING

19 By: 
Helen Vos, MS, RN
Board President

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

In the Matter of the Accusation Against:

JOSE BERLANGA
9814 Paradiso Way
Bakersfield, CA 93306

Registered Nurse License No. 367139

Respondent

Case No. 2010-270

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **September 24, 2010.**

IT IS SO ORDERED **August 25, 2010.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KIMBERLEE D. KING
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4 State Bar No. 141813
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5 Los Angeles, CA 90013
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Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-270

12 **JOSE BERLANGA**
9814 Paradiso Way
13 Bakersfield, CA 93306
Registered Nurse License No. 367139

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Respondent.
15

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
21 Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Kimberlee D. King, Deputy Attorney General.

24 2. Respondent Jose Berlanga (Respondent) is representing himself in this proceeding
25 and has chosen not to exercise his right to be represented by counsel.

26 3. On or about January 1, 1983, the Board of Registered Nursing issued Registered
27 Nurse License No. 367139 to Jose Berlanga (Respondent). The Registered Nurse License was in

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1 full force and effect at all times relevant to the charges brought in Accusation No. 2010-270 and
2 will expire on September 30, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2010-270 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on November
7 17, 2009. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2010-270 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 2010-270. Respondent has also carefully read, and understands the effects of this
12 Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 2010-270.

25 9. Respondent agrees that his Registered Nurse License is subject to discipline and he
26 agrees to be bound by the Board of Registered Nursing (Board)'s imposition of discipline as set
27 forth in the Disciplinary Order below.

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1 **Severability Clause.** Each condition of probation contained herein is a separate and
2 distinct condition. If any condition of this Order, or any application thereof, is declared
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
5 and enforceable to the fullest extent permitted by law.

6 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A
7 full and detailed account of any and all violations of law shall be reported by Respondent to the
8 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
9 compliance with this condition, Respondent shall submit completed fingerprint forms and
10 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
11 as part of the licensure application process.

12 **Criminal Court Orders:** If Respondent is under criminal court orders, including
13 probation or parole, and the order is violated, this shall be deemed a violation of these probation
14 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

15 2. **Comply with the Board's Probation Program.** Respondent shall fully
16 comply with the conditions of the Probation Program established by the Board and cooperate with
17 representatives of the Board in its monitoring and investigation of the Respondent's compliance
18 with the Board's Probation Program. Respondent shall inform the Board in writing within no
19 more than 15 days of any address change and shall at all times maintain an active, current license
20 status with the Board, including during any period of suspension.

21 Upon successful completion of probation, Respondent's license shall be fully restored.

22 3. **Report in Person.** Respondent, during the period of probation, shall
23 appear in person at interviews/meetings as directed by the Board or its designated representatives.

24 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency
25 or practice as a registered nurse outside of California shall not apply toward a reduction of this
26 probation time period. Respondent's probation is tolled, if and when he resides outside of
27 California. Respondent must provide written notice to the Board within 15 days of any change of
28 residency or practice outside the state, and within 30 days prior to re-establishing residency or

1 returning to practice in this state.

2 Respondent shall provide a list of all states and territories where he has ever been licensed
3 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
4 information regarding the status of each license and any changes in such license status during the
5 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing
6 license during the term of probation.

7 **5. Submit Written Reports.** Respondent, during the period of probation,
8 shall submit or cause to be submitted such written reports/declarations and verification of actions
9 under penalty of perjury, as required by the Board. These reports/declarations shall contain
10 statements relative to Respondent's compliance with all the conditions of the Board's Probation
11 Program. Respondent shall immediately execute all release of information forms as may be
12 required by the Board or its representatives.

13 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
14 state and territory in which he has a registered nurse license.

15 **6. Function as a Registered Nurse.** Respondent, during the period of
16 probation, shall engage in the practice of registered nursing in California for a minimum of 24
17 hours per week for 6 consecutive months or as determined by the Board.

18 For purposes of compliance with the section, "engage in the practice of registered nursing"
19 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
20 non-direct patient care position that requires licensure as a registered nurse.

21 The Board may require that advanced practice nurses engage in advanced practice nursing
22 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

23 If Respondent has not complied with this condition during the probationary term, and
24 Respondent has presented sufficient documentation of his good faith efforts to comply with this
25 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
26 extension of Respondent's probation period up to one year without further hearing in order to
27 comply with this condition. During the one year extension, all original conditions of probation
28 shall apply.

1 7. **Employment Approval and Reporting Requirements.** Respondent shall
2 obtain prior approval from the Board before commencing or continuing any employment, paid or
3 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
4 performance evaluations and other employment related reports as a registered nurse upon request
5 of the Board.

6 Respondent shall provide a copy of this Decision to his employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

8 In addition to the above, Respondent shall notify the Board in writing within seventy-two
9 (72) hours after he obtains any nursing or other health care related employment. Respondent
10 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,
11 regardless of cause, from any nursing, or other health care related employment with a full
12 explanation of the circumstances surrounding the termination or separation.

13 8. **Supervision.** Respondent shall obtain prior approval from the Board
14 regarding Respondent's level of supervision and/or collaboration before commencing or
15 continuing any employment as a registered nurse, or education and training that includes patient
16 care.

17 Respondent shall practice only under the direct supervision of a registered nurse in good
18 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
19 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
20 approved.

21 Respondent's level of supervision and/or collaboration may include, but is not limited to the
22 following:

23 (a) Maximum - The individual providing supervision and/or collaboration is present in
24 the patient care area or in any other work setting at all times.

25 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
26 care unit or in any other work setting at least half the hours Respondent works.

27 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
28 person communication with Respondent at least twice during each shift worked.

1 (d) Home Health Care - If Respondent is approved to work in the home health care
2 setting, the individual providing supervision and/or collaboration shall have person-to-person
3 communication with Respondent as required by the Board each work day. Respondent shall
4 maintain telephone or other telecommunication contact with the individual providing supervision
5 and/or collaboration as required by the Board during each work day. The individual providing
6 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
7 patients' homes visited by Respondent with or without Respondent present.

8 9. **Employment Limitations.** Respondent shall not work for a nurse's
9 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
10 traveling nurse, or for an in-house nursing pool.

11 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
12 registered nursing supervision and other protections for home visits have been approved by the
13 Board. Respondent shall not work in any other registered nursing occupation where home visits
14 are required.

15 Respondent shall not work in any health care setting as a supervisor of registered nurses.
16 The Board may additionally restrict Respondent from supervising licensed vocational nurses
17 and/or unlicensed assistive personnel on a case-by-case basis.

18 Respondent shall not work as a faculty member in an approved school of nursing or as an
19 instructor in a Board approved continuing education program.

20 Respondent shall work only on a regularly assigned, identified and predetermined
21 worksite(s) and shall not work in a float capacity.

22 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
23 request documentation to determine whether there should be restrictions on the hours of work.

24 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall
25 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
26 than six months prior to the end of his probationary term.

27 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
28 Respondent shall submit to the Board the original transcripts or certificates of completion for the

1 above required course(s). The Board shall return the original documents to Respondent after
2 photocopying them for its records.

3 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
4 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
5 amount of \$1,500.00. Respondent shall be permitted to pay these costs in a payment plan
6 approved by the Board, with payments to be completed no later than three months prior to the end
7 of the probation term.

8 If Respondent has not complied with this condition during the probationary term, and
9 Respondent has presented sufficient documentation of his good faith efforts to comply with this
10 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
11 extension of Respondent's probation period up to one year without further hearing in order to
12 comply with this condition. During the one year extension, all original conditions of probation
13 will apply.

14 12. **Violation of Probation.** If Respondent violates the conditions of his
15 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside
16 the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

17 If during the period of probation, an accusation or petition to revoke probation has been
18 filed against Respondent's license or the Attorney General's Office has been requested to prepare
19 an accusation or petition to revoke probation against Respondent's license, the probationary
20 period shall automatically be extended and shall not expire until the accusation or petition has
21 been acted upon by the Board.

22 13. **License Surrender.** During Respondent's term of probation, if he ceases
23 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
24 probation, Respondent may surrender his license to the Board. The Board reserves the right to
25 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
26 take any other action deemed appropriate and reasonable under the circumstances, without further
27 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
28 longer be subject to the conditions of probation.

1 Surrender of Respondent's license shall be considered a disciplinary action and shall
2 become a part of Respondent's license history with the Board. A registered nurse whose license
3 has been surrendered may petition the Board for reinstatement no sooner than the following
4 minimum periods from the effective date of the disciplinary decision:

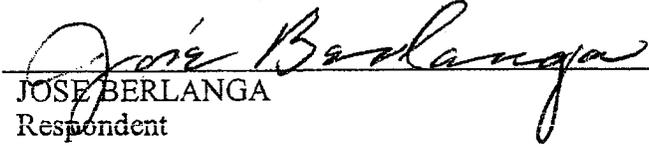
5 (1) Two years for reinstatement of a license that was surrendered for any reason other
6 than a mental or physical illness; or

7 (2) One year for a license surrendered for a mental or physical illness.

8 ACCEPTANCE

9 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
10 stipulation and the effect it will have on my Registered Nurse License. I enter into this
11 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
12 to be bound by the Decision and Order of the Board of Registered Nursing.

13 DATED: 3/11/10


14 JOSE BERLANGA
Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
18 Affairs.

19 Dated: June 24, 2010

20 Respectfully Submitted,

21 EDMUND G. BROWN JR.
Attorney General of California
22 GLORIA A. BARRIOS
Supervising Deputy Attorney General

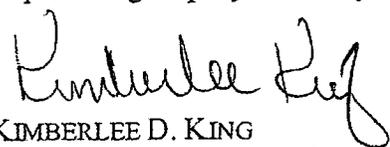

23 KIMBERLEE D. KING
24 Deputy Attorney General
25 Attorneys for Complainant

Exhibit A

Accusation No. 2010-270

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KIMBERLEE D. KING
Deputy Attorney General
4 State Bar No. 141813
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2581
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2010-270

12 **JOSE BERLANGA**
13 **9814 Paradiso Way**
Bakersfield, CA 93306

A C C U S A T I O N

14 **Registered Nurse License No. 367139**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about January 1, 1983, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 367139 to Jose Berlanga (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on September 30, 2011, unless renewed.

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1 CAUSE FOR DISCIPLINE

2 (Discipline of Nevada Registered Nurse License)

3 8. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4),
4 in that Respondent's Nevada Registered Nurse License has been disciplined by the Nevada State
5 Board of Nursing (Nevada Board). Effective September 18, 2008, the Nevada Board revoked
6 Respondent's Registered Nurse License to practice nursing in that state. However, the revocation
7 was stayed and Respondent's license was placed on probation (Restricted Licensure) for a
8 minimum of three (3) years with certain terms and conditions. The basis for discipline was that
9 while employed and working as a registered nurse and clinical manger of the operation room, at
10 the University Medical Center, in Las Vegas, Nevada, Respondent demonstrated gross negligence
11 or recklessness in carrying out usual nursing functions and failed to perform nursing functions in
12 a manner consistent with established or customary standards of one patient, which was found to
13 be unprofessional conduct, under Nevada law. The underlying conduct of Respondent which
14 resulted in discipline of his license (as described in the Agreement for Probation and Decision and
15 Order, Case No. 0336-08C, which is attached hereto as Exhibit "A" and incorporated herein by
16 reference as though fully set forth, in the subject disciplinary matter by the Nevada Board) is also
17 basis for discipline in this state.

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board issue a decision:

- 21 1. Revoking or suspending Registered Nurse License No. 367139, issued to Respondent.
22 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
23 enforcement of this case, pursuant to section 125.3.

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

DATED: 11/18/09

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit A
Agreement for Probation and Decision and Order
Case No. 0336-08C