

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 534404
ISSUED TO
STEVEN R. PHILLIPS

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



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 R. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Steven R. Phillips
25090 Buck Road
Acampo, California 95220

Steven R. Phillips
508 E. Howard LN. #555
Austin, Texas 78753

During open meeting held in Austin, Texas, on February 8, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas

Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 534404, previously issued to STEVEN R. PHILLIPS, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 8th day of February, 2011.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed November 8, 2010.

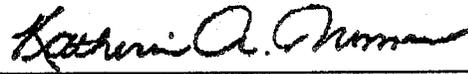
CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of February, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Steven R. Phillips
25090 Buck Road
Acampo, California 95220

Steven R. Phillips
508 E. Howard LN #555
Austin, Texas 78753

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

November 8, 2010

Certified Mail No.
Return Receipt Requested

91 7108 2133 3934 2582 5567

Steven R. Phillips
25090 Buck Road
Acampo, California 95220

Dear Mr. Phillips:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of James S. Smelser, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact James S. Smelser, Investigator, Enforcement Division, at the above address, or at (512) 305-6831.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/jss

Enclosure: Formal Charges

09/99-DA

Members of the Board

Linda Rounds, PhD, FNP, RN
Galveston, President

Deborah Bell, CLU, ChFC
Abilene

Kristin Benton, MSN, RN
Austin

Patricia Clapp, BA
Dallas

Tamara Cowen, MN, RN
Haringen

Sheri Crosby, JD, SPHR
Dallas

Marilyn Davis, BSN, RN, MPA
Sugar Land

Blanca Ross Garcia, PhD, RN

Richard Gibbs, LVN

Kathy Leader-Horn, LVN

Josefina Lujan, PhD, RN

Reverlee Jean Nuttall, LVN

Maria Inna Salgado, MEd

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 534404, Issued to §
STEVEN R. PHILLIPS, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, STEVEN R. PHILLIPS, is a Registered Nurse holding license number 534404, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about On March 20, 2009, while holding a license as a Registered Nurse (Delinquent) in the State of Texas and practicing nursing under Respondent's Registered Nursing license and Nurse Anathetist Certificate issued by the State of California, Respondent entered into a Stipulated Settlement and Disciplinary Order before the Board Of Registered Nursing, Department Of Consumer Affairs, State Of California under Case No. 2008-103 in which Respondent's California Nursing License was placed on Probation until March 20, 2013 as a result of Unprofessional Conduct, Inability to Practice Safely By Reason Of Alcohol Or Drug Abuse, and Diversion Of Controlled Substance. A copy of the Stipulated Settlement and Disciplinary Order dated March 20, 2009 is attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE II.

On or about July 10, 2010, while holding a license as a Registered Nurse (Delinquent) in the State of Texas, the Board Of Registered Nursing Department Of Consumer Affairs State Of California issued a Default Decision and Order under case No. 2010-424, Revoking Respondent's California Registered Nursing License No. 565486 and Nurse Anathetist Certificate No. 2956. A copy of the Default Decision and Order dated July 10, 2010 is attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas

Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Board Of Registered Nursing Department Of Consumer Affairs State Of California Stipulated Settlement and Disciplinary Order, Case No. 2008-103, Decision and Order dated March 20, 2009 and Board Of Registered Nursing Department Of Consumer Affairs State Of California Order, Case No. 2010-424 dated July 10, 2010.

Filed this 8th day of November, 2010.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Board Of Registered Nursing Department Of Consumer Affairs State Of California Stipulated Settlement and Disciplinary Order, Case No. 2008-103, Decision and Order dated March 20, 2009 and Board Of Registered Nursing Department Of Consumer Affairs State Of California Order, Case No. 2010-424 dated July 10, 2010.

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

In the Matter of the Accusation Against:

Case No. 2010-424

STEVEN ROSS PHILLIPS
AKA Steven Phillips
25090 Buck Road
Acampo, CA 95220

ORDER

Registered Nurse License No. 565486
Nurse Anathetist Certificate No. 2956

Respondent

IT IS SO ORDERED that Registered Nurse License No. 565486, heretofore issued to Respondent Steven Ross Phillips, is revoked.

IT IS SO ORDERED that Nurse Anathetist Certificate No. 2956, heretofore issued to Respondent Steven Ross Phillips, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on 7-10-10.

It is so ORDERED 6-10-10


FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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

In the Matter of the Accusation Against:

Case No. 2010-424

STEVEN ROSS PHILLIPS
AKA Steven Phillips
25090 Buck Road
Acampo, CA 95220

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Registered Nurse License No. 565486
Nurse Anesthetist Certificate No. 2956

RESPONDENT

FINDINGS OF FACT

1. On or about March 29, 2010, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2010-424 against Steven Ross Phillips (Respondent) before the Board of Registered Nursing.

2. On or about March 23, 2000, the Board of Registered Nursing (Board) issued Registered Nurse License No. 565486 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on May 31, 2009 and has not been renewed.

3. On or about March 10, 2003, the Board of Registered Nursing (Board) issued Nurse Anesthetist Certificate No. 2956 to Respondent. The Nurse Anesthetist Certificate was in full force and effect at all times relevant to the charges brought herein and expired on May 31, 2009 and has not been renewed.

4. On or about March 29, 2010, Shannon Silberling, an employee of the Board of Registered Nursing, Department of Consumer Affairs, served by Certified and First Class Mail a copy of the Accusation No. 2010-424, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's
2 address of record with the Board, which was and is: 25090 Buck road, Acampo, CA 95220.

3 A copy of the Accusation is attached as Exhibit A, and is incorporated herein by reference.

4 5. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c).

6 On or about April 5, 2010 the Certified Mail documents were returned, and on April 5,
7 2010 the First Class Mail documents were returned, both marked by the U.S. Postal Service,
8 "Unable to Forward, No Forward Order on File."

9 6. Business and Professions Code section 2764 states:

10 The lapsing or suspension of a license by operation of law or by order or decision of
11 the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive
12 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
13 against such license, or to render a decision suspending or revoking such license.

14 7. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
16 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
17 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
18 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

19 Respondent failed to file a Notice of Defense within 15 days after service upon her of the
20 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2010-
21 424.

22 8. California Government Code section 11520 states, in pertinent part:

23 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
24 agency may take action based upon the respondent's express admissions or upon other evidence
25 and affidavits may be used as evidence without any notice to respondent.

26 9. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 evidence on file herein, finds that the allegations in Accusation No. 2010-424 are true.

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Attachment:

Exhibit A: Accusation No. 2010-424

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0603
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. *2010 - 424*

12 **STEVEN ROSS PHILLIPS, A.K.A.**
13 **STEVEN PHILLIPS**
14 **25090 Buck Road**
Acampo, CA 95220
15 **Registered Nurse License No. RN 565486**
16 **Nurse Anesthetist Certificate No. 2956**
17 **Respondent.**

ACCUSATION

18 Complainant alleges:

19 **PARTIES**

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

23 **Registered Nurse License**

24 2. On or about March 23, 2000, the Board issued Registered Nurse License Number RN
25 565486 to Steven Ross Phillips, also known as Steven Phillips ("Respondent"). The registered
26 nurse license expired on May 31, 2009.
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1 COST RECOVERY

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

6 FIRST CAUSE FOR DISCIPLINE

7 (Criminal Conviction)

8 9. Respondent is subject to discipline pursuant to Code section 2716, subdivision (f), in
9 that on December 19, 2008, in the Superior Court, County of Sacramento, California, Respondent
10 was convicted by the court following his plea of no contest to a violation of Vehicle Code section
11 23152, subdivision (a) (drive under the influence of alcohol or drugs), a misdemeanor with a prior
12 conviction for DUI within 10 years. The circumstances of the crime are that on October 3, 2008,
13 Respondent was arrested for driving under the influence of alcohol.

14 SECOND CAUSE FOR DISCIPLINE

15 (Conviction of a Crime Involving the Consumption of Alcohol)

16 10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a) on
17 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in that
18 Respondent has been convicted of a crime involving the consumption of alcohol, as more
19 particularly set forth in paragraph 9, above.

20 THIRD CAUSE FOR DISCIPLINE

21 (Use Alcohol to an Extent or in a Manner Dangerous of Injurious
22 to Himself or Others)

23 11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a) on
24 the grounds of unprofessional conduct as defined in Code section 2762, subdivision (b), in that on
25 or about October 3, 2008, Respondent used alcohol to an extent or in a manner dangerous or
26 injurious to himself or others, as more particularly set forth in paragraph 9, above.

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1 FACTORS TO CONSIDER IN DISCIPLINE

2 At the time of respondent's offense described in paragraph 9, respondent had an accusation
3 pending that included causes for discipline for the 2004 DUI conviction. This accusation further
4 alleged respondent possessed and used controlled substances on multiple occasions. Respondent
5 failed drug testing in a diversion program and was terminated from the program in 2006.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

- 9 1. Revoking or suspending Registered Nurse License Number RN 565486, issued to
10 Steven Ross Phillips, also known as Steven Phillips;
- 11 2. Revoking or suspending Nurse Anesthetist License Number 2956, issued to
12 Steven Ross Phillips, also known as Steven Phillips;
- 13 2. Ordering Steven Ross Phillips also known as Steven Philips to pay the Board of
14 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
15 pursuant to Business and Professions Code section 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.
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19 DATED: 3/29/10


20 LOUISE R. BAILEY, M.ED., RN
21 Interim Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

26 SA2009102351
27 10536286.doc
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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

STEVEN ROSS PHILLIPS
AKA STEVEN PHILLIPS
25090 Buck Road
Acamp, CA 952

Registered Nurse License No. 565486
Nurse Anesthetist License No. 2956

Respondent

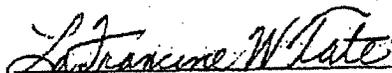
Case No. 2009-103

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 March 20, 2009.

IT IS SO ORDERED February 20, 2009.



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

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 BRIAN S. TURNER, State Bar No. 108991
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 445-0603
6 Facsimile: (916) 327-8643
E-mail: brian.turner@doj.ca.gov

7 Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:

Case No. 2008-103

13 **STEVEN ROSS PHILLIPS**
AKA STEVEN PHILLIPS
14 25090 Buck Road
Acampo, CA 95220

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Registered Nurse No. RN #565486
16 Nurse Anesthetist License No. 2956

17 Respondent.

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

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of the
22 Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by
24 Brian S. Turner, Deputy Attorney General.

25 2. Respondent Steven Ross Phillips aka Steven Phillips (Respondent) is
26 represented in this proceeding by attorney Mr. Edgardo Gonzalez, whose address is 1300 Clay Street,
27 Suite 1600 Oakland, CA 94612.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in
3 Accusation No. 2008-103.

4 10. Respondent agrees that his Registered Nurse and Nurse Anesthetist Licenses
5 are subject to discipline and he agrees to be bound by the Board of Registered Nursing (Board) 's
6 imposition of discipline as set forth in the Disciplinary Order below.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Board of Registered
9 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board
10 of Registered Nursing may communicate directly with the Board regarding this stipulation and
11 settlement, without notice to or participation by Respondent or his counsel. By signing the
12 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to
13 rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to
14 adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order
15 shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
16 between the parties, and the Board shall not be disqualified from further action by having considered
17 this matter.

18 12. The parties understand and agree that facsimile copies of this Stipulated
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force
20 and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties agree
22 that the Board may, without further notice or formal proceeding, issue and enter the following
23 Disciplinary Order:

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Registered Nurse License No. RN #565486 issued
3 March 23, 2000, and Nurse Anesthetist License No. 2956 issued March 10, 2003, to Respondent
4 Steven Ross Phillips aka Steven Phillips (Respondent) are revoked. However, the revocation is
5 stayed and Respondent is placed on probation for four (4) years on the following terms and
6 conditions.

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

12 1. **Actual Suspension of License.** Respondent is suspended from the practice
13 of registered nursing for one (1) year beginning the effective date of this Decision.

14 During the suspension period, all probation conditions are in full force and effect
15 except those relating to actual nursing practice. Further, the one (1) year period of suspension will
16 not be considered as "probationary time" should the Respondent apply for any reduction of the period
17 of probation.

18 2. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A
19 full and detailed account of any and all violations of law shall be reported by Respondent to the
20 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance
21 with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
22 45 days of the effective date of the decision, unless previously submitted as part of the licensure
23 application process.

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

27 3. **Comply with the Board's Probation Program.** Respondent shall fully
28 comply with the conditions of the Probation Program established by the Board and cooperate with

1 representatives of the Board in its monitoring and investigation of the Respondent's compliance with
2 the Board's Probation Program. Respondent shall inform the Board in writing within no more than
3 15 days of any address change and shall at all times maintain an active, current license status with
4 the Board, including during any period of suspension.

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

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

9 5. **Residency, Practice, or Licensure Outside of State.** Periods of residency
10 or practice as a registered nurse outside of California shall not apply toward a reduction of this
11 probation time period. Respondent's probation is tolled, if and when he resides outside of
12 California. Respondent must provide written notice to the Board within 15 days of any change of
13 residency or practice outside the state, and within 30 days prior to re-establishing residency or
14 returning to practice in this state.

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

20 6. **Submit Written Reports.** Respondent, during the period of probation, shall
21 submit or cause to be submitted such written reports/declarations and verification of actions under
22 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
23 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
24 Respondent shall immediately execute all release of information forms as may be required by the
25 Board or its representatives.

26 Respondent shall provide a copy of this Decision to the nursing regulatory agency in
27 every state and territory in which he has a registered nurse license and/or nurse anesthetist license.

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

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

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

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

15 8. **Employment Approval and Reporting Requirements.** Respondent shall
16 obtain prior approval from the Board before commencing or continuing any employment, paid or
17 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
18 performance evaluations and other employment related reports as a registered nurse upon request of
19 the Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 Respondent shall obtain prior approval from the Board before enrolling in the
19 course(s). Respondent shall submit to the Board the original transcripts or certificates of completion
20 for the above required course(s). The Board shall return the original documents to Respondent after
21 photocopying them for its records.

22 **12. Cost Recovery.** Respondent shall pay to the Board costs associated with its
23 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
24 amount of \$3,958.25. Respondent shall be permitted to pay these costs in a payment plan approved
25 by the Board, with payments to be completed no later than three months prior to the end of the
26 probation term.

27 If Respondent has not complied with this condition during the probationary term, and
28 Respondent has presented sufficient documentation of his good faith efforts to comply with this

1 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
2 extension of Respondent's probation period up to one year without further hearing in order to comply
3 with this condition. During the one year extension, all original conditions of probation will apply.

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

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

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

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

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

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

26 **15. Physical Examination.** Within 45 days of the effective date of this Decision,
27 Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician
28 assistant, who is approved by the Board before the assessment is performed, submit an assessment

1 of the Respondent's physical condition and capability to perform the duties of a registered nurse.
2 Such an assessment shall be submitted in a format acceptable to the Board. If medically determined,
3 a recommended treatment program will be instituted and followed by the Respondent with the
4 physician, nurse practitioner, or physician assistant providing written reports to the Board on forms
5 provided by the Board.

6 If Respondent is determined to be unable to practice safely as a registered nurse, the
7 licensed physician, nurse practitioner, or physician assistant making this determination shall
8 immediately notify the Board and Respondent by telephone, and the Board shall request that the
9 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
10 immediately cease practice and shall not resume practice until notified by the Board. During this
11 period of suspension, Respondent shall not engage in any practice for which a license issued by the
12 Board is required until the Board has notified Respondent that a medical determination permits
13 Respondent to resume practice. This period of suspension will not apply to the reduction of this
14 probationary time period.

15 If Respondent fails to have the above assessment submitted to the Board within the
16 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until
17 notified by the Board. This period of suspension will not apply to the reduction of this probationary
18 time period. The Board may waive or postpone this suspension only if significant, documented
19 evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent
20 to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver
21 or extension may be permitted.

22 **16. Participate in Treatment/Rehabilitation Program for Chemical**
23 **Dependence.** Respondent, at his expense, shall successfully complete during the probationary
24 period or shall have successfully completed prior to commencement of probation a Board-approved
25 treatment/rehabilitation program of at least six months duration. As required, reports shall be
26 submitted by the program on forms provided by the Board. If Respondent has not completed a
27 Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent,
28 within 45 days from the effective date of the decision, shall be enrolled in a program. If a program

1 is not successfully completed within the first nine months of probation, the Board shall consider
2 Respondent in violation of probation.

3 Based on Board recommendation, each week Respondent shall be required to attend
4 at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
5 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by
6 the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall
7 be added. Respondent shall submit dated and signed documentation confirming such attendance to
8 the Board during the entire period of probation. Respondent shall continue with the recovery plan
9 recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or
10 other ongoing recovery groups.

11 **17. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
12 shall completely abstain from the possession, injection or consumption by any route of all controlled
13 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same are
14 ordered by a health care professional legally authorized to do so as part of documented medical
15 treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the
16 prescribing health professional, a report identifying the medication, dosage, the date the medication
17 was prescribed, the Respondent's prognosis, the date the medication will no longer be required, and
18 the effect on the recovery plan, if appropriate.

19 Respondent shall identify for the Board a single physician, nurse practitioner or
20 physician assistant who shall be aware of Respondent's history of substance abuse and will
21 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances
22 or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall
23 report to the Board on a quarterly basis Respondent's compliance with this condition. If any
24 substances considered addictive have been prescribed, the report shall identify a program for the time
25 limited use of any such substances.

26 The Board may require the single coordinating physician, nurse practitioner, or
27 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
28 medicine.

1 18. **Submit to Tests and Samples.** Respondent, at his expense, shall participate
2 in a random, biological fluid testing or a drug screening program which the Board approves. The
3 length of time and frequency will be subject to approval by the Board. Respondent is responsible
4 for keeping the Board informed of Respondent's current telephone number at all times. Respondent
5 shall also ensure that messages may be left at the telephone number when he is not available and
6 ensure that reports are submitted directly by the testing agency to the Board, as directed. Any
7 confirmed positive finding shall be reported immediately to the Board by the program and
8 Respondent shall be considered in violation of probation.

9 In addition, Respondent, at any time during the period of probation, shall fully
10 cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests
11 and samples as the Board or its representatives may require for the detection of alcohol, narcotics,
12 hypnotics, dangerous drugs, or other controlled substances.

13 If Respondent has a positive drug screen for any substance not legally authorized and
14 not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
15 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
16 practice pending the final decision on the petition to revoke probation or the accusation. This period
17 of suspension will not apply to the reduction of this probationary time period.

18 If Respondent fails to participate in a random, biological fluid testing or drug
19 screening program within the specified time frame, Respondent shall immediately cease practice and
20 shall not resume practice until notified by the Board. After taking into account documented evidence
21 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
22 suspend Respondent from practice pending the final decision on the petition to revoke probation or
23 the accusation. This period of suspension will not apply to the reduction of this probationary time
24 period.

25 19. **Mental Health Examination.** Respondent shall, within 45 days of the
26 effective date of this Decision, have a mental health examination including psychological testing as
27 appropriate to determine his capability to perform the duties of a registered nurse. The examination
28 will be performed by a psychiatrist, psychologist or other licensed mental health practitioner

1 approved by the Board. The examining mental health practitioner will submit a written report of that
2 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
3 Recommendations for treatment, therapy or counseling made as a result of the mental health
4 examination will be instituted and followed by Respondent.

5 If Respondent is determined to be unable to practice safely as a registered nurse, the
6 licensed mental health care practitioner making this determination shall immediately notify the
7 Board and Respondent by telephone, and the Board shall request that the Attorney General's office
8 prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice
9 and may not resume practice until notified by the Board. During this period of suspension,
10 Respondent shall not engage in any practice for which a license issued by the Board is required, until
11 the Board has notified Respondent that a mental health determination permits Respondent to resume
12 practice. This period of suspension will not apply to the reduction of this probationary time period.

13 If Respondent fails to have the above assessment submitted to the Board within the
14 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until
15 notified by the Board. This period of suspension will not apply to the reduction of this probationary
16 time period. The Board may waive or postpone this suspension only if significant, documented
17 evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent
18 to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver
19 or extension may be permitted.

20 **20. Therapy or Counseling Program.** Respondent, at his expense, shall participate
21 in an on-going counseling program until such time as the Board releases him from this requirement
22 and only upon the recommendation of the counselor. Written progress reports from the counselor
23 will be required at various intervals.

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PVC
LEGISLATIVE
BOARD

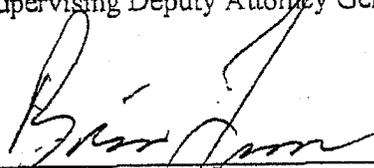
ENDORSEMENT

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

DATED: 11/18/08

EDMUND G. BROWN JR., Attorney General
of the State of California

ARTHUR D. TAGGART
Supervising Deputy Attorney General


BRIAN S. TURNER
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SA2007101660
30500276.wpd

ORIGINAL

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6 Telephone: (916) 322-8166
Facsimile: (916) 324-5567

7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 2008-103

13 STEVEN ROSS PHILLIPS,
AKA STEVEN PHILLIPS
14 25090 Buck Road
Acampo, CA 95220

ACCUSATION

15 Registered Nurse License No. 565486
16 Nurse Anesthetist License No. 2956

17 Respondent.

18
19 Complainant alleges:

20 PARTIES

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.

24 Registered Nurse License

25 2. On or about March 23, 2000, the Board issued Registered Nurse License
26 Number 565486 to Steven Ross Phillips, also known as Steven Phillips ("Respondent"). The
27 registered nurse license was in full force and effect at all times relevant to the charges brought
28 herein and will expire on May 31, 2009, unless renewed.

1 Nurse Anesthetist License

2 3. On or about March 10, 2003, the Board issued Nurse Anesthetist License
3 No. 2956 to Steven Ross Phillips, also known as Steven Phillips (Respondent). The nurse
4 anesthetist license was in full force and effect at all times relevant to the charges brought herein.
5 and will expire on May 31, 2009, unless renewed.

6 STATUTORY PROVISIONS

7 4. Business and Professions Code ("Code") section 2750 provides, in
8 pertinent part, that the Board may discipline any licensee, including a licensee holding a
9 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
10 section 2750) of the Nursing Practice Act.

11 5. Code section 2764 provides, in pertinent part, that the expiration of a
12 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
13 against the licensee or to render a decision imposing discipline on the license. Under Code
14 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
15 years after the expiration.

16 6. Code section 2770.11 provides:

17 (a) Each registered nurse who requests participation in a diversion
18 program shall agree to cooperate with the rehabilitation program designed by a
19 committee. Any failure to comply with the provisions of a rehabilitation program
20 may result in termination of the registered nurse's participation in a program. The
21 name and license number of a registered nurse who is terminated for any reason,
22 other than successful completion, shall be reported to the board's enforcement program.

23 (b) If a committee determines that a registered nurse, who is denied
24 admission into the program or terminated from the program, presents a threat to
25 the public or his or her own health and safety, the committee shall report the name
26 and license number, along with a copy of all diversion records for that registered
27 nurse, to the board's enforcement program. The board may use any of the records
28 it receives under this subdivision in any disciplinary proceeding.

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse
or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the
following:

1 (f) Conviction of a felony or of any offense substantially related to the
2 qualifications, functions, and duties of a registered nurse, in which event the
record of the conviction shall be conclusive evidence thereof.

3 8. Code section 2762 states, in pertinent part:

4 In addition to other acts constituting unprofessional conduct within the
5 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
for a person licensed under this chapter to do any of the following:

6 (a) Obtain or possess in violation of law, or prescribe, or except as
7 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
himself or herself, or furnish or administer to another, any controlled substance as
8 defined in Division 10 (commencing with Section 11000) of the Health and Safety
Code or any dangerous drug or dangerous device as defined in Section 4022.

9 (b) Use any controlled substance as defined in Division 10
10 (commencing with Section 11000) of the Health and Safety Code, or any
dangerous drug or dangerous device as defined in Section 4022, or alcoholic
11 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 such use impairs his or her
12 ability to conduct with safety to the public the practice authorized by his or her
license.

13 (c) Be convicted of a criminal offense involving the prescription,
14 consumption, or self-administration of any of the substances described in
subdivisions (a) and (b) of this section, or the possession of, or falsification of a
15 record pertaining to, the substances described in subdivision (a) of this section, in
which event the record of the conviction is conclusive evidence thereof.

16 9. Code section 4060 provides, in pertinent part,

17 No person shall possess any controlled substance, except that furnished to
18 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
19 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant
20 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)
21 of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

22 COST RECOVERY

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

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1 11. DRUG

2 a. "Percocet", a brand of oxycodone, is a Schedule II controlled substance as
3 designated by Health and Safety Code section 11055, subdivision (b)(1)(N), and is a dangerous
4 drug within the meaning of Code section 4022, in that under federal law it requires a
5 prescription.

6 b. "Benzodiazepine" is a Schedule IV controlled substance which is a
7 depressant as designated by Health and Safety Code section 11057, subdivision (d), and is a
8 dangerous drug within the meaning of Code section 4022, in that under federal law it requires a
9 prescription.

10 c. "Dilaudid", a brand of hydromorphone, is a Schedule II controlled
11 substance as designated by Health and Safety Code section 11055(b)(1)(K), and is a dangerous
12 drug within the meaning of Code section 4022, in that under federal law it requires a
13 prescription.

14 **TERMINATION FROM DIVERSION PROGRAM**

15 12. On or about September 6, 2006, Respondent, subsequent to being
16 observed diverting controlled substances while he was on duty as a registered nurse, voluntarily
17 enrolled in the Board's Registered Nursing Diversion Program ("Diversion Program"). While in
18 the Diversion Program, Respondent tested positive for Percocet in random drug screenings on
19 March 19, 2007, December 20, 2006, and December 8, 2006. As a result, effective April 2,
20 2007, Respondent was terminated from the Diversion Program for failure to comply with the
21 rehabilitation plan; further, Respondent was deemed a public risk.

22 **FIRST CAUSE FOR DISCIPLINE**

23 (Criminal Conviction)

24 13. Respondent's license is subject to disciplinary action under Code section
25 2761, subdivision (f), in that Respondent has been convicted of a crime that is substantially
26 related to the qualifications, functions, and duties of a registered nurse. On December 14, 2004,
27 in the Superior Court, County of Sacramento, in the case entitled *People of the State of*
28 *California v. Steven Ross Phillips* (Super. Ct. Sacramento Cty., 2004, Case No. 04T04603),

1 Respondent was convicted by the Court on his plea of no contest of violating Vehicle Code
2 section 23152, subdivision (b) (driving with blood alcohol level of .08% or more).

3 SECOND CAUSE FOR DISCIPLINE

4 (Conviction of Criminal Offense Involving Alcohol)

5 14. Respondent's license is subject to disciplinary action under Code section
6 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section
7 2762, subdivision (c), in that Respondent was convicted of a crime involving alcohol, as more
8 fully set forth in paragraph 13, above.

9 THIRD CAUSE FOR DISCIPLINE

10 (Possess a Controlled Substance in Violation of Law, and Self-Administration)

11 15. Respondent's license is subject to disciplinary action under Code section
12 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section
13 2762, subdivision (a), in that while licensed as a registered nurse and nurse anesthetist,
14 Respondent committed acts, as follows:

15 a. On or about March 19, 2007, and December 8, 2006, Respondent
16 possessed Percocet, a controlled substance, in violation of Code section 4060.

17 b. On or about March 19, 2007, and December 8, 2006, Respondent self-
18 administered Percocet, a controlled substance.

19 c. On or about December 20, 2006, and December 8, 2006, Respondent
20 possessed Benzodiazepine, a controlled substance, in violation of Code section 4060.

21 d. On or about December 20, 2006, and December 8, 2006, Respondent self-
22 administered Benzodiazepine, a controlled substance.

23 e. In or about August/September 2005, Respondent possessed Dilaudid, a
24 controlled substance, in violation of Code section 4060.

25 f. In or about August/September 2005, Respondent self-administered
26 Dilaudid, a controlled substance.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Use of Alcohol - Danger to Others)

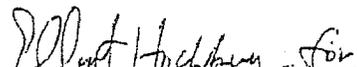
3 16. Respondent's license is subject to disciplinary action under Code section
4 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section
5 2762, subdivision (b), in that on or about September 6, 2004, Respondent used alcoholic
6 beverages in a manner dangerous or injurious to himself and others, as more fully set forth in
7 paragraph 13, above.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters
10 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 565486, issued
12 to Steven Ross Phillips, also known as Steven Phillips;
- 13 2. Revoking or suspending Nurse Anesthetist License Number 2956, issued
14 to Steven Ross Phillips, also known as Steven Phillips;
- 15 3. Ordering Steven Ross Phillips, also known as Steven Phillips, to pay the
16 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
17 case, pursuant to Code section 125.3; and,
- 18 4. Taking such other and further action as deemed necessary and proper.

19 DATED: 9/25/07

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21 
22 RUTH ANN TERRY, M.P.H., R.N.
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant

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3 **BEFORE THE**
4 **BOARD OF REGISTERED NURSING**
5 **DEPARTMENT OF CONSUMER AFFAIRS**
6 **STATE OF CALIFORNIA**

7 In the Matter of the Accusation Against:

Case No. 2010-424

8 **Steven Ross Phillips**
9 **AKA Steven Philips**
10 **25090 Buck Road**
11 **Acampo, CA 95220**

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

12 **Registered Nurse License No. 565486**
13 **Nurse Anesthetist Certificate No. 2956**

Respondent.

14 **TO RESPONDENT:**

15 Under section 11507.6 of the Government Code of the State of California, parties to an
16 administrative hearing, including the Complainant, are entitled to certain information concerning
17 the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code
18 concerning such rights is included among the papers served.

19 **PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE**
20 **HEREBY REQUESTED TO:**

21 1. Provide the names and addresses of witnesses to the extent known to the Respondent,
22 including, but not limited to, those intended to be called to testify at the hearing, and

23 2. Provide an opportunity for the Complainant to inspect and make a copy of any of the
24 following in the possession or custody or under control of the Respondent:

25 a. A statement of a person, other than the Respondent, named in the initial
26 administrative pleading, or in any additional pleading, when it is claimed that the act or
27 omission of the Respondent as to this person is the basis for the administrative proceeding;

28 b. A statement pertaining to the subject matter of the proceeding made by
any party to another party or persons;

1 c. Statements of witnesses then proposed to be called by the Respondent and
2 of other persons having personal knowledge of the acts, omissions or events which are the
3 basis for the proceeding, not included in (a) or (b) above;

4 d. All writings, including but not limited to reports of mental, physical and
5 blood examinations and things which the Respondent now proposes to offer in evidence;

6 e. Any other writing or thing which is relevant and which would be
7 admissible in evidence, including but not limited to, any patient or hospital records
8 pertaining to the persons named in the pleading;

9 f. Investigative reports made by or on behalf of the Respondent pertaining
10 to the subject matter of the proceeding, to the extent that these reports (1) contain the names
11 and addresses of witnesses or of persons having personal knowledge of the acts, omissions
12 or events which are the basis for the proceeding, or (2) reflect matters perceived by the
13 investigator in the course of his or her investigation, or (3) contain or include by attachment
14 any statement or writing described in (a) to (e), inclusive, or summary thereof.

15 For the purpose of this Request for Discovery, "statements" include written statements by
16 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical
17 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or
18 summaries of these oral statements.

19 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery
20 should be deemed to authorize the inspection or copying of any writing or thing which is
21 privileged from disclosure by law or otherwise made confidential or protected as attorney's work
22 product.

23 Your response to this Request for Discovery should be directed to the undersigned attorney
24 for the Complainant at the address below within 30 days after service of the Accusation.

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Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

Dated: 3/29/2010