BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	
License Number 242491	§	AGREED
issued to PATRICIA ANN BARNETT	§	ORDER

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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of PATRICIA ANN BARNETT, Registered Nurse License Number 242491, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and Section 301.452(b)(2),(3),(8),(9),(10)&(12), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 25, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.

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

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on December 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on March 21, 1978.

5. Respondent's nursing employment history includes:

11/78 - 10/98	RN Nurse	Baylor University Medical Center Unknown

Respondent's professional nursing employment history continued:

11/98 - 08/02	RN Nurse	Richardson Regional Medical Center Richardson, Texas
09/02 - 11/03	RN Nurse	Presbyterian Hospital of Plano Plano, Texas
12/03 - 04/09/07	RN Nurse	CritiCare Nursing Plano, Texas
12/05 - 07/07	RN Nurse	All About Staffing of Texas Irving, Texas
2006 - 2007	Travel RN	On Assignment Nurse Travel Agency Long Beach, California
08/07 - 02/10	Unknown	
03/10 - Present	RN Nurse	Medical Staffing Network Boca Raton, Florida

6. On or about August 24, 1995, Respondent entered a plea of Guilty to AGGRAVATED ASSAULT (a 2nd Degree felony offense committed on February 4, 1995), in the 256th Judicial District Court of Dallas County, Dallas, Texas, under Cause No. F-9538262-JR. As a result of Respondent's plea of guilty, proceedings against her were deferred without entering an adjudication of guilt, and she was placed on probation for a period of two (2) years. In addition, Respondent was ordered to pay a fine and court costs.

7. At the time of the incident in Finding of Fact Number Eight (8), Respondent was employed as a Registered Nurse with CritiCare Nursing, Plano, Texas, and had been in this position for three (3) years and four (4) months.

8. On or about April 7, 2007, while employed with CritiCare Nursing, Plano, Texas, and on assignment with Centennial Medical Center, Frisco, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she exhibited impaired behavior, including but not limited to bizarre behavior, confused mental state, drowsy, and an unsteady gait. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

9. On or about April 7, 2007, while employed with CritiCare Nursing, Plano, Texas, and on assignment with Centennial Medical Center, Frisco, Texas, Respondent engaged in the intemperate use of Benzodiazepines in that she produced a specimen for a drug screen which resulted positive for Benzodiazepines. The use of Benzodiazepines by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs,

symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

10. On or about April 19, 2007, while employed with All About Staffing, Irving, Texas, and on assignment with Las Colinas Medical Center, Irving, Texas, Respondent lacked fitness to practice professional nursing in that while on duty staff reported that Respondent was not herself, she was lethargic, and had bruises on her face. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

11. On or about July 28, 2007, while employed with All About Staffing, Irving, Texas, and on assignment with the Medical Center of Lewisville, Lewsiville, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she had the smell of alcohol on her person, was confused, unstable, stumbled, and had slurred speech. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

12. On or about July 28, 2007, while employed with All About Staffing, Irving, Texas, and on assignment with the Medical Center of Lewisville, Lewisville, Texas, Respondent engaged in the intemperate use of Alcohol in that she produced a specimen for a screening which resulted positive for alcohol. The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

13. On or about August 24, 2007, Respondent submitted a License Renewal Form to the Board of Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, . . . This includes . . . deferred adjudications with or without a finding of guilty." Respondent failed to disclose that on or about August 24, 1995, she entered a plea of Guilty to AGGRAVATED ASSAULT (a 2nd Degree felony offense committed on February 4, 1995, in a District Court of Dallas County, Texas, under Cause No. F-9538262-JR. Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.

14. On or about December 11, 2008, the Board of Registered Nursing, Department of Consumer Affairs for the State of California, Sacramento, California, adopted a STIPULATED SURRENDER OF LICENSE AND ORDER against Respondent's license to practice

professional nursing in the State of California. A copy of the Stipulated Surrender of License and Order issued by the California Board of Registered Nursing on December 11, 2008, is attached and incorporated by reference as part of this Order.

15. Respondent states February 3, 2009, as her date of sobriety.

16. In response to the conduct described in Findings of Fact Numbers Eight (8) through Twelve (12), Respondent has provided documentation of her efforts at recovery including attendance of a MADD Victims Panel, Texas DWI Education Program, and a 15 day program with Nexus Adult Woman Residential Treatment Center. Also, Respondent provided sign-in sheets for over five hundred (500) Alcoholics/Narcotics Anonymous meetings, including over three hundred (300) meetings since her sobriety date.

17. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

18. Formal Charges were filed on March 1, 2010.

19. Formal Charges were mailed to Respondent on March 3, 2010.

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 a violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN.

4. The evidence received is sufficient to prove violations of Section 301.452(b)(2),(3),(8),(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E),(5),(6)(I),(10)(A)(D)&(13).

5. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered License Number 242491, heretofore issued to PATRICIA ANN BARNETT, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 242491, previously issued to PATRICIA ANN BARNETT, to practice professional nursing in Texas is hereby SUSPENDED with the suspension STAYED and Respondent is hereby placed on PROBATION for three (3) years with the following agreed terms of probation:

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the

Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s).

(8) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited. RESPONDENT is exempt from this stipulation while employed with MEDICAL STAFFING NETWORK, Boca Raton, Florida, and can only work up to three (3) assignments while with MEDICAL STAFFING NETWORK, Boca Raton, Florida.

(9) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working.

(10) For the remainder of the probation period, RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited. RESPONDENT is exempt from this stipulation while employed with MEDICAL STAFFING NETWORK, Boca Raton, Florida, and can only work up to three (3) assignments while with MEDICAL STAFFING NETWORK, Boca Raton, Florida.

(11) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse. RESPONDENT is exempt from this stipulation while employed with MEDICAL STAFFING NETWORK, Boca Raton, Florida.

(12) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units. RESPONDENT is exempt from this stipulation while employed with MEDICAL STAFFING NETWORK, Boca Raton, Florida, and can work in neo-natal intensive care unit (NICU) assignments.

(13) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(14) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for three (3) years of employment as a nurse.

(15) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the

office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(16) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(17) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14th day of September 2010.

Patricia Ann Barnett

PATRICIA ANN BARNETT, Respondent

Sworn to and subscribed before me this 14 day of September, 2010.

VANESSA LANDAVERDE
Notary Public, State of Texas
My Commission Expires
December 10, 2013

Notary Public in and for the State of Texas

Approved as to form and substance.

Chad A. Norcross, Attorney for Respondent

Signed this _____ day of _____, 20___.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this _____ day of _____, 20____.

_____

PATRICIA ANN BARNETT, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

_____

Notary Public in and for the State of _____

Approved as to form and substance.

_____

Chad A. Norcross, Attorney for Respondent

Signed this _____ day of _____, 20____.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of September, 2010, by PATRICIA ANN BARNETT, Registered Nurse License Number 242491, and said Order is final.

Effective this 21st day of October, 2010.

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

EDMUND G. BROWN JR., Attorney General
of the State of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
JENNIFER S. CADY, State Bar No. 100437
Deputy Attorney General
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2442
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against: **PATRICIA ANN BARNETT a.k.a** **PATRICIA ANN STOECK** 1100 Bridle Drive Richardson, Texas 75081 Registered Nurse License No. 688176 Respondent.	Case No. 2008-361 **STIPULATED SURRENDER OF LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

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

2. Patricia Ann Barnett a.k.a. Patricia Ann Stoeck (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about September 5, 2006, the Board issued Registered Nurse License No. 688176 to Respondent. The was in full force and effect at all times relevant to the

charges brought in Accusation No. 2008-361 and will expire on September 30, 2008, unless renewed.

JURISDICTION

4. Accusation No. 2008-361 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 25, 2008. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2008-361 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2008-361. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2008-361, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 688176 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

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

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

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

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 688176, issued to Respondent Patricia Ann Barnett a.k.a. Patricia Ann Stoeck is surrendered and accepted by the Board of Registered Nursing.

13. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a registered nurse in California as of the effective date of the Board's Decision and Order.

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15. Respondent shall cause to be delivered to the Board both her wall and pocket licenses on or before the effective date of the Decision and Order.

16. Respondent understands and agrees that if she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2008-361 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

17. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2008-361 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

18. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board of Registered Nursing's Decision and Order.

19. Respondent shall pay the Board its costs of investigation and enforcement in the amount of $8,111.75 prior to issuance of a new or reinstated license. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

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ACCEPTANCE

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

DATED: 8/1/08

Patricia Ann Barnett

Patricia Ann Barnett aka Patricia Ann Stoeck
Respondent

ENDORSEMENT

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

DATED: 8/19/08

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

MARC D. GREENBAUM
Supervising Deputy Attorney General

JENNIFER S. CADY
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2008600642
60315651.wpd

Exhibit A

Accusation No. 2008-361

EDMUND G. BROWN JR., Attorney General
of the State of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
JENNIFER S. CADY, State Bar No. 100437
Deputy Attorney General
300 So. Spring Street, Suite 1702
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Attorneys for Complainant

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

In the Matter of the Accusation Against: PATRICIA ANN BARNETT aka PATRICIA ANN STOECK 1100 Bridle Drive Richardson, Texas 75081 Registered Nurse License No. 688176 Respondent.	Case No. 2008-361 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about September 5, 2006, the Board of Registered Nursing issued Registered Nurse License Number 688176 to Patricia Ann Barnett aka Patricia Ann Stoeck (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2008, unless renewed.

3. Respondent holds the following nursing licenses issued by other jurisdictions: a) State of Texas, RN 242491, which expires on or about August 30, 2009 and b) State of Alaska, RN 26597, which expires on or about November 29, 2008.

JURISDICTION

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

STATUTORY PROVISIONS

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

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

7. Section 2761 of the Code 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:

. . .

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

. . .

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

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8. Section 2762 of the Code states, in part:

"In addition to other acts constituting unprofessional conduct within the 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:

. . .

(b) Use any controlled substance as 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, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, 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 record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof. . . ."

9. Section 490 of the Code states:

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

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10. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

11. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. . . ."

COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct / Dangerous Use of Alcohol)

13. Respondent is subject to disciplinary action under sections 2750, 2761, subdivision (a), and 2762, subdivision (b) of the Code, in that Respondent committed acts constituting unprofessional conduct by using alcoholic beverages to an extent or in a manner dangerous to herself, other persons, or the public or to the extent that such use of alcoholic

beverages impaired her ability to conduct with safety to the public the practice authorized by her license. The circumstances are as follows:

A. On or about March 22, 2007, Respondent reported one hour late for the 7:00 a.m. to 7:00 p.m. shift at Long Beach Memorial Hospital Medical Center, located in Long Beach, California. Respondent, who was a traveler nurse employed by the On Assignment Nurse Travel Agency and assigned to work at Long Beach Memorial, was scheduled to work on May 22nd in the Neonatal Intensive Care Unit (NICU). The NICU Clinical Operations Manager observed that Respondent's gait was unsteady, her speech was slow and slurred, her pupils were widely dilated and she had an odor of alcoholic beverages on her breath. The NICU manager determined that Respondent was unable to safely care for patients. Respondent was sent home in a taxi. Respondent was terminated by On Assignment Nurse Travel Agency due to suspicion of intoxication.

SECOND CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

14. Respondent is subject to disciplinary action under sections 2750, 2761, subdivision (f), 2765 and 490 of the Code, in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was convicted of a crime which is substantially related to the qualifications, functions and duties of a licensed registered nurse, as follows:

A. On or about January 4, 2008, Respondent was convicted by the Court on pleas of guilty to one misdemeanor count of violating Vehicle Code section 23152, subdivision (a), (driving under the influence of alcohol), and one misdemeanor count of violating Vehicle Code section 23152, subdivision (b), (driving with .08% or higher of blood alcohol), in Orange County Superior Court Case No. 07WM04554, entitled *People v. Patricia S. Barnett.* Respondent also admitted the allegations that, as to the above offenses, she had a blood alcohol concentration of .20% or more. Respondent was placed on three years informal probation upon terms and conditions of probation including completion of a 12 hour alcohol program and the Mother's Against Drunk Driving Victim's Impact Panel.

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B. The circumstances surrounding the above convictions are that, on or about March 3, 2007, Respondent was observed by a Seal Beach Police Officer driving her vehicle at 1 to 2 miles per hour and impeding traffic. Respondent was then observed making an illegal u-turn into a parking lot. The officer determined that Respondent was so impaired that she could not safely perform any field sobriety tests and Respondent was arrested for driving under the influence.

THIRD CAUSE FOR DISCIPLINE

(Conviction Involving Alcohol)

15. Respondent is subject to disciplinary action under sections 2750, 2761, subdivision (a), and 2762, subdivision (c), of the Code, in that Respondent was convicted of a crime involving alcohol, as more fully set forth in paragraph 14, above.

FOURTH CAUSE FOR DISCIPLINE

(Violation of Act)

16. Respondent is subject to disciplinary action pursuant to sections 2750 and 2761, subdivision (d), in that Respondent violated the provisions or terms of the Nursing Practice Act, or regulations adopted pursuant to it, as more fully set forth in paragraphs 13 through 15, above.

PRAYER

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

1. Revoking or suspending Registered Nurse License Number 688176, issued to Patricia Ann Barnett aka Patricia Ann Stoeck.

2. Ordering Patricia Ann Barnett to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 4/16/08

RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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