IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 127927	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
DONNICE RENEE HARRISON	§	BOARD OF NURSING

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

ORDER OF THE BOARD

TO: Donnice Renee Harrison
1240 87th Ave. #A
Oakland, CA 94626

During open meeting held in Austin, Texas, on August 17, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and 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 vocational 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 § 213.2(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 127927, previously issued to DONNICE RENEE HARRISON, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 127927, previously issued to DONNICE RENEE HARRISON, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

Entered this 17th day of August, 2010.

TEXAS BOARD OF NURSING

BY: _____

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

Re: Permanent Certificate Number 127927
Issued to DONNICE RENEE HARRISON
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of August, 20 10, 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):

Donnice Renee Harrison
1240 87th Ave. # A
Oakland, CA 94626

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

BOARD OF NURSING STATE OF TEXAS

I certify this to be a true copy of the records on file with the Texas Board of Nursing.
Date: 8/19/10
Signed:

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 127927, Issued to	§	
DONNICE RENEE HARRISON, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DONNICE RENEE HARRISON, is a Vocational Nurse holding license number 127927, 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 October 23, 2009, Respondent's license to practice vocational nursing in the State of California was REVOKED by the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs for the State of California, Sacramento, California. A copy of the Revocation Order, dated September 23, 2009, is attached and incorporated by reference as part of this pleading.

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 § 301.461, TEX. OCC. CODE ANN. 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 Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Revocation Order, dated September 23, 2009, by the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs for the State of California, Sacramento, California.

Filed this 24th day of February, 2010.

TEXAS BOARD OF NURSING

R. Kyle Hensley

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
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
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: Revocation Order, dated September 23, 2009, by the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs for the State of California, Sacramento, California.

0999/D

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

In the Matter of the Accusation Against: DONNICE RENEE SAADIQ 2847 Merriam Lane El Dorado Hills, CA 95762 Vocational Nurse License No. VN 150336 Respondent.	Case No. VN-1999-1541 OAH No. 2009030409

DECISION

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

This Decision shall become effective on October 23, 2009.

IT IS SO ORDERED this 23rd day of September, 2009.

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

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

In the Matter of the Amended Accusation Against: DONNICE RENEE SAADIQ, a.k.a DONNICE RENEE HARRISON El Dorado Hills, CA 95762 Vocational Nurse License No. VN 150336 Respondent.	Case No. VN 1999-1541 OAH No. 2009030409

PROPOSED DECISION

This matter was heard before Karen J. Brandt, Administrative Law Judge, Office of Administrative Hearings, State of California, on July 8, 2009, in Sacramento, California.

Leslie A. Burgermyer, Deputy Attorney General, represented Teresa Bello-Jones, J.D., M.S.N., R.N. (complainant), Executive Officer, Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, State of California.

Donnice Renee Saadiq, a.k.a. Donnice Renee Harrison (respondent) appeared on her own behalf.

Evidence was received on July 8, 2009. The record was closed and the matter was submitted on July 17, 2009.[1]

[1] The record in this matter was initially left open for respondent to submit certified court records. After the hearing, respondent notified the Office of Administrative Hearings that the court records were already included in an exhibit submitted by complainant. On July 17, 2009, a telephonic hearing was held, the Amended Accusation was further amended to reflect the court records in evidence, and the matter was submitted for decision.

AMENDMENTS TO AMENDED ACCUSATION

On July 8 and 17, 2009, the Amended Accusation was amended as follows:

1. On page 3, line 23, the word "misdemeanor" was amended to "felony."

2. On page 4, line 4, the number "23152" was amended to "23153."

3. On page 4, line 6, the word "misdemeanor" was amended to "felony, which was reduced to a misdemeanor on April 7, 2006."

FACTUAL FINDINGS

1. Complainant made and filed the Accusation in her official capacity.

2. On October 23, 1990, the Board issued vocational nurse license number VN 150336 to respondent. The license will expire on June 30, 2010, unless renewed or revoked. Complainant seeks to revoke respondent's license based upon her convictions described in Findings 3 and 4 below, and her failure to respond truthfully about her second conviction in a renewal application, as described in Finding 11 below.

Respondent's Convictions

3. On April 5, 2000, in the Alameda County Municipal Court, respondent, upon a plea of no contest, was convicted of violating Vehicle Code section 23153, subdivision (a), causing bodily injury while driving a vehicle under the influence of alcohol, a felony. Respondent was incarcerated for a 90-day evaluation. She was placed on formal probation for five years and ordered to participate in a driving under the influence (DUI) program.

The incident upon which respondent's 2000 conviction was based occurred on January 30, 2000. Respondent, while driving under the influence of alcohol, ran a red light at an intersection and hit a sedan. The sedan's driver and three passengers were injured in the accident. One of the passengers was seriously injured and required extensive surgery.

On April 7, 2006, respondent's felony conviction was reduced to a misdemeanor pursuant to Penal Code section 17, subdivision (b).

4. On February 19, 2003, in the Sacramento County Superior Court, respondent, on a plea of nolo contendere, was convicted of violating Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol with one prior conviction, a felony. Respondent was sentenced to formal probation for four years and her driver's license was suspended for three years. She was ordered to serve 180 days in Sacramento County Jail and to pay fines and fees. Respondent's probation was later modified to informal probation.

Respondent's 2003 conviction was based on an incident that occurred on December 16, 2002, while respondent was still on probation for her 2000 conviction.

Respondent's Renewal Applications

5. A licensed vocational nurse must file a renewal application every two years. One of the questions on the renewal application asks, "Since you last renewed your license, have you been convicted of or pled nolo contendere to any violation of any law of any state in the United States or a foreign country?"

6. On July 19, 2000, the Board sent a letter to respondent acknowledging receipt of a completed renewal application (2000 renewal application) in which respondent indicated that she had been convicted of or pled nolo contendere to a violation of law. The Board's letter asked respondent to provide a detailed description of the events underlying her conviction or plea, to respond to a number of questions, and to provide certified copies of court records. The letter gave respondent 30 days to respond and warned that failure to respond might result in informal disciplinary action against her license. Respondent did not respond to the Board's July 19, 2000 letter.

7. On May 22, 2001, the Board sent respondent a second letter. In its May 22, 2001 letter, the Board asked respondent for the information it had requested about her conviction no later than June 22, 2001. The May 22, 2001 letter warned respondent that failure to provide the requested information might result in the case being forwarded to the Department of Consumer Affairs, Division of Investigation. Respondent did not respond to the Board's May 22, 2001 letter.

8. On August 27, 2001, the Board sent a certified letter to respondent asking that she provide the requested information about her conviction no later that September 27, 2001. The August 27, 2001 letter again warned respondent that failure to provide the requested information might result in the case being forwarded to the Department of Consumer Affairs, Division of Investigation. Respondent did not respond to the Board's August 27, 2001 letter.

9. On February 21, 2003, the Board sent a letter designated as a "Final Notice" to respondent. This letter informed respondent that she had not responded to the three previous letters, and asked that she provide the requested information about her conviction no later than March 31, 2003. The letter also warned respondent that failure to provide the requested information might result in her case being forwarded to the Department of Consumer Affairs, Division of Investigation for a formal investigation and additional enforcement action. Respondent did not respond to the Board's February 21, 2003 letter.

10. On September 10, 2003, the Board sent a certified letter to respondent, which noted that respondent had not responded to the four previous letters. The September 10, 2003 letter asked respondent to provide a detailed description of her conviction and certified copies of court and police records by October 10, 2003. The letter also warned respondent that failure to provide the requested information might result in the case being forwarded to

the Department of Consumer Affairs, Division of Investigation for further action. Respondent did not respond to the Board's September 10, 2003 letter.

11. Respondent filed a renewal application dated May 18, 2004 (2004 renewal application) with the Board. On her 2004 renewal application, respondent checked the "No" box in response to the question asking whether she had been convicted of or pled nolo contendere to any violation of law since she last renewed her license. Given respondent's 2003 DUI conviction (Finding 4), respondent's negative response on her 2004 renewal application was not truthful.

Respondent's Military Service and Rehabilitation

12. Prior to her 2000 conviction, respondent was employed as a licensed vocational nurse (LVN). Respondent lost her job as result of her conviction. Respondent had previously been in the military. In light of the events of September 11, 2001, in February 2002, respondent rejoined the military. On June 11, 2002, while respondent was a sergeant, she received an Army Achievement Medal for "meritorious service while assigned as Section NCO for the Combat Medic Section, 579th Engineer Battalion (Combat) during Sapper Strike 2002." The award noted that respondent's "expertise was instrumental in the care of soldiers in [her] charge" and that she had displayed "leadership, initiative and professionalism."

On October 25, 2007, respondent, while a staff sergeant, received an Army Commendation Medal for "meritorious achievement during 1 October 2006 thru 30 September 2007, while assigned as Senior Waiver's NCO with the Accession Task Force." The commendation noted that respondent's actions were "in keeping with the highest standards and reflect great credit upon herself, the California Army National Guard, and the United States Army."

On November 5, 2008, respondent, while she was a sergeant first class, received an Army Commendation Medal for "meritorious service from 31 October 2007 to 31 September 2008." The commendation noted that respondent's "abilities and sound judgment were vital to the Accession Task Forces [sic] ability to face questions from the populace about the policies for recruiting persons with felonies in their personal records."

Respondent's NCO Evaluation Reports from the Army for February 2002 to May 2004, April to September 2004, November 2004 to September 2005, October 2005 to September 2006, and October 2006 to September 2007 indicate that respondent was rated as either being "among the best" or "fully capable" in terms of overall potential for promotion and/or service in positions of greater responsibility.

Respondent is still employed by the military, working as an active duty training manager. Her current job does not require her to have a vocational nurse license, but because her military occupational specialty is as an LVN, she would no longer be qualified if her license were revoked.

13. Respondent testified that the last time she drank any alcohol was in 2005 when she was going through a divorce. She conceded that she had a problem with alcohol and that, in the past, she had used it to self-medicate. She explained that she completed the DUI program from her 2000 conviction, but did not fully come to terms with all her personal issues. She stated that she began addressing and dealing with her issues during the counseling she received in 2005 in connection with her divorce. In 2007, she completed the 18-month DUI program she was required to attend by the terms of her 2003 conviction.

14. Respondent asserted that she did not remember receiving the five letters described in Findings 6 through 10. During the time period in which those letters were sent, she was often away from home while she was serving in the military. She also asserted that she did not intend to be untruthful on her 2004 renewal application, but was "overwhelmed" by the issues she was facing at the time.

15. At the hearing, respondent took responsibility for her convictions (Findings 3 and 4), her failure to respond to the Board's inquiries (Findings 6 through 10), and her lack of honesty in her 2004 renewal application (Finding 11). She is proud of her success in the military. She stated that she has turned her life around and has become a person who is worthy of another chance. She also asserted that, as is evidenced by the evaluations she has received from the Army, she is a capable and competent LVN.

16. Respondent should be commended for the military service she has provided to our country. She should also be commended for the efforts she has made to stop drinking. But the Board must have confidence that the vocational nurses it licenses will provide truthful information on their renewal applications and will respond promptly and fully to all Board inquiries. The Board relies upon the information vocational nurses provide to make significant decisions affecting the health and safety of the public. If a vocational nurse provides untruthful information on a renewal application or does not respond to Board inquires, that nurse impedes the Board's ability to protect the public.

Even if respondent may have been under significant stress brought on by having seriously injured someone in her 2000 DUI, this does not justify her failure to answer truthfully on her 2004 renewal application. Respondent's having answered the same question truthfully on her 2000 renewal application indicates that she understood the question. In addition, even if respondent may have been in the military and away from home during some of the period when the Board sought information about her 2000 conviction, this does not justify her failure to respond to five letters sent over more than a three-year period. In any event, the first three inquires were sent on July 19, 2000, May 22, 2001, and August 27, 2001, before respondent re-entered the military in February 2002. Respondent's dishonesty on her 2004 renewal application, when reviewed in light of her failure to respond to five Board inquiries, establishes that it would not be consistent with the public interest, safety and welfare to allow respondent to retain her license.

Costs

17. Pursuant to Business and Professions Code section 125.3, complainant submitted a Certification of Costs of Prosecution and a Declaration of the Deputy Attorney General, which request costs in the total amount of $2,664.75 for the prosecution services provided to the Board by the Office of the Attorney General. Attached to the Deputy Attorney General's Declaration is a Matter Time Activity by Professional Type. This computer printout shows the work that the Deputy Attorney General performed. A review of this printout shows that the tasks performed, the time spent and the amounts billed were reasonable in light of the issues involved in this matter.

Respondent requested that she be allowed to pay the requested costs over time.

LEGAL CONCLUSIONS

1. Pursuant to Business and Professions Code section 2878, subdivision (a), the Board may discipline the license of a vocational nurse for "unprofessional conduct." Business and Professions Code section 2878.5, subdivision (c), defines "unprofessional conduct" to include being convicted of a criminal offense involving the self-administration of alcoholic beverages. Respondent's 2000 and 2003 DUI convictions (Findings 3 and 4) constitute "unprofessional conduct" and establish cause to discipline her license under Business and Professions Code sections 2878, subdivision (a), and 2878.5, subdivision (c).

2. Business and Professions Code section 2878.5, subdivision (b), defines "unprofessional conduct" to include the use of alcoholic beverages in a manner dangerous or injurious to any person or the public. Respondent's two DUI's establish that respondent used alcoholic beverages in a manner that was injurious and/or dangerous to others and the public. They therefore constitute cause to discipline respondent's license under Business and Professions Code sections 2878, subdivision (a), and 2878.5, subdivision (b).

3. Business and Professions Code section 2878, subdivision (e), provides that it is "unprofessional conduct" to make or give "any false statement or information in connection with the application for issuance of a license." Respondent's failure to disclose on her 2004 renewal application that she had pled nolo contendere to felony DUI since her last renewal application (Finding 11) constitutes cause to discipline her license under Business and Professions Code section 2878, subdivision (e).

4. Respondent's two felony DUI convictions and her failure to answer truthfully on her 2004 renewal application, when reviewed in conjunction with her failure to respond to five inquires from the Board about her 2000 conviction, show that it would not be consistent with the public interest, safety and welfare to allow respondent to retain her vocational nurse license. Consequently, her license should be revoked.

5. Pursuant to Business and Professions Code section 125.3, a licensee found to have violated a licensing act may be ordered to pay the reasonable costs of investigation and prosecution of a case. In *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth factors to be considered in determining the reasonableness of the costs sought pursuant to statutory provisions like Business and Professions Code section 125.3. These factors include whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate in light of the alleged misconduct.

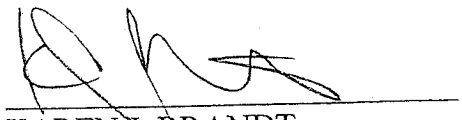
Complainant seeks $2,664.75 in costs. As set forth in Finding 17, these costs are reasonable in light of the issues raised in this case. Respondent did not succeed in getting any of the charges dismissed or reduced. Respondent did not raise a colorable challenge to the proposed discipline, and did not establish sufficient reason to reduce the costs requested. As she requested, respondent should be permitted to pay the costs over time through monthly, semi-annual or annual payments, as determined by the Board or its designee.

ORDER

1. Vocational Nurse License Number VN 150336 issued to respondent Donnice Renee Saadiq, a.k.a. Donnice Renee Harrison, is REVOKED.

2. Respondent shall pay $2,664.75 to the Board. This sum may be paid over time through monthly, semi-annual or annual payments, as determined by the Board or its designee.

DATED: July 28, 2009



KAREN J. BRANDT
Administrative Law Judge
Office of Administrative Hearings

FILED

JUN 23 2009

Board of Vocational Nursing and Psychiatric Technicians

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Attorneys for Complainant

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

In the Matter of the Amended Accusation Against: **DONNICE RENEE SAADIQ, a.k.a.** **DONNICE RENEE HARRISON** 3400 Big Island Road West Sacramento, California 95691 Vocational Nurse License No. VN 150336 Respondent.	Case No. VN 1999-1541 **AMENDED ACCUSATION**

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Amended Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

License History

2. On or about October 23, 1990, the Board issued Vocational Nurse License Number VN 150336 (license) to Donnice Renee Saadiq, also known as Donnice Renee Harrison (Respondent). On or about May 18, 2004, Respondent swore under penalty of perjury to the truthfulness of all information, statements, answers, and representations in her Renewal

Application for Licensed Vocational Nurse. The license was renewed and a license was issued in 2004. Respondent's license was also renewed in 2006 and 2008, and expires on June 30, 2010.

JURISDICTION

3. Section 2875 of the Business and Professions Code (Code) states, in pertinent part, that the Board of Vocational Nursing and Psychiatric Technicians (Board) may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act.

4. Code section 118, subdivision (b), states, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

5. Code section 2878 states, in pertinent part:

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

6. Code section 2878.5 states, in pertinent part:

> In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational 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 of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of this code, 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 possession of any narcotic or dangerous drug, or the prescription, consumption,

> or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.

7. Code section 2878.6 states, in pertinent part:

> A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a licensed vocational nurse is deemed to be a conviction within the meaning of this article. . . irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty . . . , or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

COST RECOVERY

8. Code section 125.3 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

(Criminal Convictions)

9. Respondent has subjected her license to disciplinary action under Code section 2878, subdivision (f), in that Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a vocational nurse, as follows:

a. On or about February 19, 2003, in the Superior Court of California, County of Sacramento, in the case titled , *People of the State of California v. Donnice Renee Harrison* (Super. Ct. Sacramento County, 2003, Case No. 02F11043), Respondent was convicted on her plea of nolo contendere of violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol and/or drug or under their combined influence] with one prior, a misdemeanor. Among other things, Respondent was initially sentenced to four years formal probation and her driver's license was suspended for three years. The probation was later modified to informal probation. The circumstances are as follows: On or about December 16, 2002, Respondent drove a vehicle while under the influence of alcohol or any drug, or their combination.

///

b. On or about April 5, 2000, in the Municipal Court of California, County of Alameda, in the case titled *People of the State of California v. Donnice R. Harrison* (Muni. Ct. Alameda County, 2000, Case No. 187626-8), Respondent was convicted on her plea of no contest of one count of violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol and/or drugs or under their combined influence – with great bodily injury], a misdemeanor.

The circumstances are as follows: On or about January 30, 2000, Respondent, while unlicensed, drove a vehicle while under the influence of alcohol or drugs or their combined influence, when she entered a major intersection in Fremont, California, against a red signal light. Respondent hit a vehicle inflicting great bodily harm on victims S.H. and L.A.S. Respondent was charged with felony violations of Vehicle Code section 23153, subdivision (a), and two counts of violating Penal Code section 12022.7, subdivision (a), and inflicting great bodily harm on the two victims.

SECOND CAUSE FOR DISCIPLINE

(Convictions Involving Alcoholic Beverages and/or Drugs)

10. Respondent has subjected her license to disciplinary action under Code section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5, subdivision (c), in that Respondent was convicted of crimes involving the consumption of alcoholic beverages and/or drugs, as set forth in paragraph 9, above.

THIRD CAUSE FOR DISCIPLINE

(Use Alcohol Beverages and/or Drugs in a Manner Dangerous or Injurious)

11. Respondent has subjected her license to disciplinary action under Code section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5, subdivision (b), in that Respondent used alcoholic beverages and/or drugs in a manner dangerous or injurious to herself, any other person, or the public, as set forth in paragraph 9, above.

///

///

FOURTH CAUSE FOR DISCIPLINE

(False Statement)

12. Respondent has subjected her license to disciplinary action under Code section 2878, subdivision (e), in that Respondent made a false statement or information in her Renewal Application for Licensed Vocational Nurse, dated May 18, 2004, signed under penalty of perjury to the truthfulness of all statements, answers, and representations, when she answered "NO" to the question "Since you last renewed your license, have you been convicted of or pled nolo contendere to any violation of any law of any state in the United States or a foreign country." The truth is that Respondent was convicted on February 19, 2003, on her plea of nolo contendere of violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol and/or drug or under their combined influence] with one prior, a misdemeanor, as set forth in paragraph 9, subparagraph a, above.

PRAYER

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

1. Revoking or suspending Vocational Nurse License Number VN 78277 issued to Donnice Renee Saadiq, also known as Donnice Renee Harrison;

2. Ordering Donnice Renee Saadiq, also known as Donnice Renee Harrison, to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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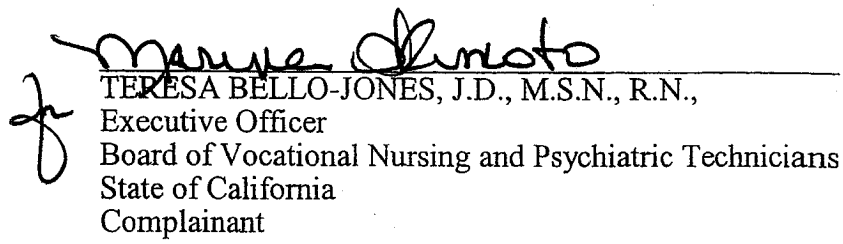
3. Taking such other and further action as deemed necessary and proper.

DATED: June 23, 2009



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