BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MARIA LUISA REY-ROBLES a.k.a., MARIA L. REY-ROBLES
Registered Nurse License No. 356669
Respondent.

Case No. 2018-235
OAH No. 2017110736

DECISION AND ORDER

Pursuant to Title 16 of the California Code of Regulations, section 1403, the attached Stipulated Settlement is hereby adopted by the Board of Registered Nursing as its Decision and Order in the above-entitled matter.

This Decision shall become effective on May 1, 2018

IT IS SO ORDERED this 7th day of May, 2018

Joseph Morris, PhD, MSN, RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Joseph L. Morris, PhD, MSN, RN ("Complainant") is the Executive Officer of the Board of Registered Nursing ("Board"). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Emilly Y. Wada, Deputy Attorney General.

2. Maria Luisa Rey-Robles aka Maria L. Rey-Robles ("Respondent") is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about April 30, 1983, the Board issued Registered Nurse License No. 356669 to Respondent. The Registered Nurse License expired on December 31, 2016, and has not been renewed.
JURISDICTION

4. Accusation No. 2018-235 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 October 6, 2017. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2018-235 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2018-235. 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. 2018-235, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 356669 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.

///

///

///

Stipulated Surrender of License (Case No. 2018-235)
CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board 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 Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. 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. 356669, issued to Respondent Maria Luisa Rey-Robles aka Maria L. Rey-Robles, is surrendered and accepted by the Board of Registered Nursing.

1. 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 of Registered Nursing.

2. 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.

3. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2018-235 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

4. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of $4,837.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

5. If Respondent should 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. 2018-235 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.

6. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board's Decision and Order.
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: 3/21/2014

MARIA LUISA REY-ROBLES AKA MARIA L. REY-ROBLES
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: March 26, 2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California

THOMAS L. RINALDI
Supervising Deputy Attorney General

EMILY Y. WADA
Deputy Attorney General

Attorneys for Complainant
BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MARI A LUISA REY-ROBLES AKA
M ARIA L. REY-ROBLES
18242 Sylvan Street
Tarzana, CA 91335
Registered Nurse License No. 356669

Respondent.

Complainant alleges:

PARTIES

1. Joseph L. Morris, PhD, MSN, RN ("Complainant") brings this Accusation solely in his official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about April 30, 1983, the Board of Registered Nursing issued Registered Nurse License Number 356669 to Maria Luisa Rey-Robles aka Maria L. Rey-Robles ("Respondent"). The Registered Nurse License expired on December 31, 2016, and has not been renewed.

JURISDICTION

3. 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 ("Code") unless otherwise indicated.
4. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation 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.

5. Section 2750 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.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

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) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions...

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, “gross negligence” includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client’s health or life.

9. California Code of Regulations, title 16, section 1443, states:

As used in Section 2761 of the code, “incompetence” means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.
10. California Code of Regulations, title 16, section 1443.5 states:
A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided.

COST RECOVERY

11. 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL BACKGROUND

12. In 2015, Respondent owned, managed, and/or worked as a registered nurse at a residential care facility for the elderly, St. Mary's Home Care ("SMHC"). SMHC was staffed by two non-licensed caregivers who were always on site. Respondent was responsible for providing
ongoing supervision of the non-licensed caregivers and the patients, but she was only on site 
between the hours of approximately 8:30 a.m. and 11:00 a.m.

13. In the beginning of April 2015, a patient who had lived at SMHC for the past several 
years and had a history of strokes, diabetes, and pressure sores ("the Patient"), began to develop 
redness around both of her hips. The Patient’s condition worsened notwithstanding the fact that a 
special mattress was ordered in or around April 12. Indeed, Respondent observed that the Patient 
stayed in her bed more frequently and that her energy level decreased. Then, on or around April 
22, the Patient’s wounds opened and, on or around April 27, the Patient’s wounds began to drain. 
Respondent eventually made an appointment for the Patient to see a doctor, but not until the first 
week of May 2015.

14. Before the Patient could be seen by her doctor, the Patient was found gasping for 
breath and unresponsive in her bed on or around the morning of April 30, 2015, and was taken to 
a local emergency department. Among other things, the Patient was diagnosed with multiple stage 
4 and unstageable pressure sores by the hospital staff. Ultimately, the Patient was admitted to the 
intensive care unit on the same day with a prognosis of death.

15. Although Respondent knew that the Patient’s daughter was in charge of the Patient’s 
medical care and visited the Patient on a weekly basis, Respondent failed to keep the daughter 
reasonably apprised of the Patient’s condition as it declined and as the pressure sores grew worse.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

16. Respondent is subject to disciplinary action under Code section 2761, subdivision 
(a)(1), and in conjunction with California Code of Regulations, title 16, section 1442, on the 
grounds that Respondent committed multiple, distinct acts of gross negligence in rendering care to 
an elderly patient with a history of pressure sores. Specifically, Respondent’s actions were an 
extreme departure from the standard of care which, under similar circumstances, would have 
ordinarily been exercised by a competent registered nurse as follows:
a. In light of the Patient's history of pressure sores and decreased mobility, Respondent failed to initially assess the level of risk of recurrent pressure sores and failed to initiate preventive interventions.

b. Once the Patient developed new pressure sores, Respondent failed to assess their development and progression, failed to identify additional preventative or active interventions, and failed to contact a physician in a timely manner.

c. As Respondent observed the Patient's general health rapidly decline, Respondent failed to properly assess the Patient's condition and intervene and communicate those changes to a physician and the Patient's daughter in a timely manner.

Complainant refers to and hereby expressly incorporates the allegations within paragraphs 12 through 15, above, as though fully set forth herein.

SECOND CAUSE FOR DISCIPLINE
(Incompetence)

17. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(1), and in conjunction with California Code of Regulations, title 16, sections 1443 and 1443.5, on the grounds that Respondent committed multiple, distinct acts of incompetence in rendering care to an elderly patient with a history of pressure sores. Specifically, Respondent demonstrated that she failed to possess or exercise that degree of learning, skill, care, and experience ordinarily possessed and exercised by a competent registered nurse as follows:

a. Respondent failed to properly monitor and supervise the practice of non-licensed caregivers by verifying changes in the Patient's condition and communicating changes in the Patient's care as the Patient's health declined.

b. Respondent failed to discuss with the Patient's daughter the Patient's worsening of pressure sores and decline in health, including the significance thereof, and failed to discuss advanced care planning options under the circumstances.
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 356669, issued to Maria Luisa Rey-Robles aka Maria L. Rey-Robles;
2. Ordering Maria Luisa Rey-Robles 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; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: October 6, 2017

JOSEPH L. MORRIS, PHD, MSN, RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant