

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

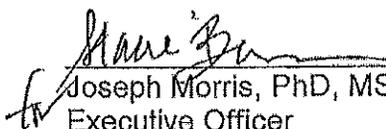
OAH No. 2017110736

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 7, 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

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

10 In the Matter of the Accusation Against:

11 **MARIA LUISA REY-ROBLES AKA**
12 **MARIA L. REY-ROBLES**
13 18242 Sylvan Street
Tarzana, CA 91335

14 Registered Nurse License No. 356669

15 Respondent.

Case No. 2018-235

OAH No. 2017110736

STIPULATED SURRENDER OF
LICENSE AND ORDER

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

19 PARTIES

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

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

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

1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board of Registered Nursing.

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

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

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

16 5. If Respondent should ever apply or reapply for a new license or certification, or
17 petition for reinstatement of a license, by any other health care licensing agency in the State of
18 California, all of the charges and allegations contained in Accusation, No. 2018-235 shall be
19 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
20 Issues or any other proceeding seeking to deny or restrict licensure.

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

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Exhibit A

Accusation No. 2018-235

1 XAVIER BECERRA
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2018-235*

11 **MARIA LUISA REY-ROBLES AKA**
12 **MARIA L. REY-ROBLES**
18242 Sylvan Street
13 Tarzana, CA 91335

ACCUSATION

14 **Registered Nurse License No. 356669**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

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

25 **JURISDICTION**

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

1 10. California Code of Regulations, title 16, section 1443.5 states:

2 A registered nurse shall be considered to be competent when he/she
3 consistently demonstrates the ability to transfer scientific
4 knowledge from social, biological and physical sciences in applying
5 the nursing process, as follows:

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

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

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

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

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

27 (6) Acts as the client's advocate, as circumstances require, by
28 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

1 ongoing supervision of the non-licensed caregivers and the patients, but she was only on site
2 between the hours of approximately 8:30 a.m. and 11:00 a.m.

3 13. In the beginning of April 2015, a patient who had lived at SMHC for the past several
4 years and had a history of strokes, diabetes, and pressure sores ("the Patient"), began to develop
5 redness around both of her hips. The Patient's condition worsened notwithstanding the fact that a
6 special mattress was ordered in or around April 12. Indeed, Respondent observed that the Patient
7 stayed in her bed more frequently and that her energy level decreased. Then, on or around April
8 22, the Patient's wounds opened and, on or around April 27, the Patient's wounds began to drain.
9 Respondent eventually made an appointment for the Patient to see a doctor, but not until the first
10 week of May 2015.

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

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

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Gross Negligence)**

21 16. Respondent is subject to disciplinary action under Code section 2761, subdivision
22 (a)(1), and in conjunction with California Code of Regulations, title 16, section 1442, on the
23 grounds that Respondent committed multiple, distinct acts of gross negligence in rendering care to
24 an elderly patient with a history of pressure sores. Specifically, Respondent's actions were an
25 extreme departure from the standard of care which, under similar circumstances, would have
26 ordinarily been exercised by a competent registered nurse as follows:

1 a. In light of the Patient's history of pressure sores and decreased mobility,
2 Respondent failed to initially assess the level of risk of recurrent pressure sores and failed to
3 initiate preventive interventions.

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

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

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

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Incompetence)**

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

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

23 b. Respondent failed to discuss with the Patient's daughter the Patient's worsening
24 of pressure sores and decline in health, including the significance thereof, and failed to discuss
25 advanced care planning options under the circumstances.

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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 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


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

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