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

In the Matter of the Accusation Against:
JENNIFER CHRISTINE SOUTH
916 South Wilson St.
Tempe, AZ 85281
Registered Nurse License No. 806858
RESPONDENT

Case No. 2017-792
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 20, 2017, Complainant Joseph L. Morris, PhD, MSN, RN, in his official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2017-792 against Jennifer Christine South (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)
2. On or about September 22, 2011, the Board of Registered Nursing (Board) issued Registered Nurse License No. 806858 to Respondent. The Registered Nurse License expired on February 28, 2013, and has not been renewed.
3. On or about April 20, 2017, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2017-792, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's

1 address of record which, pursuant to Business and Professions Code section 136 and Title 16,
2 California Code of Regulation, section 1409.1, is required to be reported and maintained with the
3 Board, was and is:

4 916 South Wilson St.
5 Tempe, AZ 85281.

6 On or about May 16, 2017, Respondent was also served by Certified and First Class Mail
7 copies of the Accusation No. 2017-792, Statement to Respondent, Notice of Defense, Request for
8 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's
9 alternate address retrieved from LexisNexis as follows:

10 15 Kaler Rd
11 Belfast, ME 04915.

12 4. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

15 5. On or about May 24, 2017 and May 31, 2017, the First Class and Certified Mail
16 documents sent through the U.S. Postal Service to Respondent's address of record were returned
17 bearing the indicia "Return to Sender, Undeliverable as Addressed, Unable to Forward."

18 6. On or about May 31, 2017, the Board of Registered Nursing received the signed
19 Domestic Return Receipt acknowledging acceptance of the aforementioned documents sent via
20 Certified Mail to Respondent's alternate address.

21 7. Business and Professions Code section 2764 states:

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

26 8. Government Code section 11506 states, in pertinent part:

27 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
28 notice of defense, and the notice shall be deemed a specific denial of all parts of the Accusation

1 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
2 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

3 9. Respondent failed to file a Notice of Defense within 15 days after service of the
4 Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation No.
5 2017-792.

6 10. California Government Code section 11520 states, in pertinent part:

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

10 11. Pursuant to its authority under Government Code section 11520, the Board, after
11 having reviewed the proofs of service dated April 20, 2017 and May 16, 2017, signed by Tram
12 Hoang and Brent Farrand, and the returned envelopes, finds Respondent is in default. The Board
13 will take action without further hearing and, based on Accusation No. 2017-792 and the
14 documents contained in Default Decision Investigatory Evidence Packet in this matter which
15 includes:

16 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation Case No. 2017-
17 792, Statement to Respondent, Notice of Defense (two blank copies),
18 Request for Discovery and Discovery Statutes (Government Code sections
19 11507.5, 11507.6 and 11507.7), proofs of service; and if applicable, mail
20 receipt or copy of returned mail envelopes;

21 Exhibit 2: License History Certification for Jennifer Christine South, Registered
22 Nurse License No. 806858;

23 Exhibit 3: Out of State Discipline (Maine Board of Nursing);

24 Exhibit 4: List of alternate addresses retrieved from LexisNexis.

25 The Board finds that the charges and allegations in Accusation No. 2017-792 are separately and
26 severally true and correct by clear and convincing evidence.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jennifer Christine South has subjected her following license(s) to discipline:

a. Registered Nurse License No. 806858

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary action by another State Board of Nursing.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 806858, heretofore issued to Respondent Jennifer Christine South, is revoked.

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

This Decision shall become effective on August 16, 2017.

It is so ORDERED July 17, 2017.

Tranda Phillips RN

Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2017-792

Exhibit A

Accusation No. 2017-792

1 XAVIER BECERRA
Attorney General of California
2 ANTOINETTE B. CINCOTTA
Supervising Deputy Attorney General
3 KAREN L. GORDON
Deputy Attorney General
4 State Bar No. 137969
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9427
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2017-792

12 **JENNIFER CHRISTINE SOUTH**
13 916 South Wilson St.
14 Tempe, AZ 85281

ACCUSATION

15 **Registered Nurse License No. 806858**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about September 22, 2011, the Board of Registered Nursing (Board) issued
24 Registered Nurse License Number 806858 to Jennifer Christine South (Respondent).
25 Respondent has also been known as Jennifer C. Crowe. The Registered Nurse License expired on
26 February 28, 2013, and has not been renewed.

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1 **JURISDICTION**

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

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

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

12 **STATUTORY PROVISIONS**

13 6. Section 2761 of the Code states:

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

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

18

19 (4) Denial of licensure, revocation, suspension, restriction, or any other
20 disciplinary action against a health care professional license or certificate by another
21 state or territory of the United States, by any other government agency, or by another
22 California health care professional licensing board. A certified copy of the decision
23 or judgment shall be conclusive evidence of that action.

24

25 7. Section 4022 of the Code states

26 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
27 self-use in humans or animals, and includes the following:

28 (a) Any drug that bears the legend: "Caution: federal law prohibits
dispensing without prescription," "Rx only," or words of similar import.

///

1 (b) Any device that bears the statement: "Caution: federal law restricts this
2 device to sale by or on the order of a _____," "Rx only," or words of similar
import, the blank to be filled in with the designation of the practitioner licensed to use
or order use of the device.

3 (c) Any other drug or device that by federal or state law can be lawfully
4 dispensed only on prescription or furnished pursuant to Section 4006.

5 DRUGS

6 8. Heroin is a Schedule I controlled substance pursuant to Health and Safety Code
7 section 11054, subdivision (c).

8 9. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety
9 Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and
10 Professions Code section 4022.

11 10. Percocet is a brand name for oxycodone and acetaminophen, a Schedule II
12 controlled substance pursuant to Health and Safety Code section 11055, subdivision (b),
13 and a dangerous drug pursuant to Business and Professions Code section 4022.

14 COSTS

15 11. Section 125.3 of the Code provides, in pertinent part, that the Board may
16 request the administrative law judge to direct a licentiate found to have committed a
17 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs
18 of the investigation and enforcement of the case, with failure of the licentiate to comply
19 subjecting the license to not being renewed or reinstated. If a case settles, recovery of
20 investigation and enforcement costs may be included in a stipulated settlement.

21 CAUSE FOR DISCIPLINE

22 (Out-of-State Discipline by the Maine Board of Nursing)

23 12. Respondent has subjected her license to disciplinary action under section 2761(a)(4)
24 of the Code in that her practice privileges under her State of Maine Board of Registered Nursing
25 (Main Board) registered nurse license number RN66886 were revoke pursuant to a Consent for
26 Surrender. The circumstances are as follows:

27 13. On August 4, 2015, Respondent became licensed to practice as a registered nurse in
28 Maine by endorsement.

1 14. On December 2, 2015, Waldo County General Hospital terminated Respondent's
2 employment and sent notification to the Maine Board. The basis for termination included
3 Respondent's failure to follow the hospital's standard protocol regarding withdrawal of controlled
4 substances from the automated medication dispensing system, as well as the failure to document
5 the administration of such medications to patients in the medical record.

6 15. On February 3, 2016, the Commons at Tall Pines terminated Respondent's
7 employment and sent notification to the Maine Board. The Commons at Tall Pines alleges that
8 Respondent was under the influence while on duty on February 3, 2016. The night nurse
9 observed Respondent fall asleep throughout her shift and observed that Respondent was unable to
10 maintain concentration. When a supervisor arrived at the facility, the supervisor also observed
11 that Respondent kept falling asleep and closing her eyes. Respondent denied that she was
12 impaired, and admitted to the supervisor that Respondent had a history of substance abuse. The
13 supervisor received notification two days later that Respondent had entered a detoxification and
14 rehabilitation program.

15 16. At the Maine Board's June of 2016 meeting, the Maine Board voted to offer
16 Respondent a consent agreement for the surrender of her registered nurse license.

17 17. On June 29, 2016, an investigator from the Maine Board met with Respondent.
18 Respondent admitted to a history of opiate abuse, and informed the investigator that after she
19 began her employment with Waldo County General Hospital, she relapsed and began using
20 heroin. Respondent also admitted to diverting medication (Percocet and Oxycodone) from Waldo
21 County General Hospital approximately three to four times per shift over a two-week time span.
22 Respondent informed the investigator that she picked patients that had PRN (as needed)
23 medications and would take the medications only when the patients were not in pain and did not
24 need them. Respondent would then document that she gave the medication to the patients and
25 would self-administer the diverted medication while at work. Respondent further admitted to the
26 investigator that while working at the Commons at Tall Pines, Respondent blacked out after
27 taking too many of her own prescription pills. Respondent informed the investigator that she
28 entered rehabilitation and that she had been taking an opioid addiction drug.

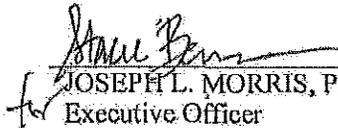
1 18. On August 12, 2016, Respondent entered into a Consent Agreement for Surrender
2 of Maine Board of Nursing License No. RN6686, which was adopted by the Maine Board on
3 August 23, 2016.

4 **PRAYER**

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

- 7 1. Revoking or suspending Registered Nurse License Number 806858 issued to Jennifer
8 Christine South;
- 9 2. Ordering Jennifer Christine South to pay the Board of Registered Nursing the
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
11 Professions Code section 125.3; and,
- 12 3. Taking such other and further action as deemed necessary and proper.
- 13

14 DATED: April 20, 2017

15 
16 JOSEPH L. MORRIS, PHD, MSN, RN
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant

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