

BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke  
Probation Against:

JENNIFER LEE THOMAS,  
a.k.a. JENNIFER THOMAS

Case No. 2015-819

Registered Nurse License No. 536525

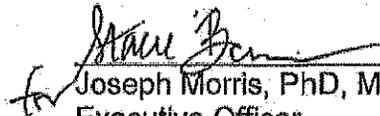
Respondent.

**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 19, 2017

IT IS SO ORDERED this 19<sup>th</sup> day of May, 2017

  
\_\_\_\_\_  
Joseph Morris, PhD, MSN, RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 XAVIER BECERRA  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KRISTINA T. JARVIS  
Deputy Attorney General  
4 State Bar No. 258229  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5403  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Petition to Revoke  
12 Probation Against:  
13 **JENNIFER LEE THOMAS,**  
14 **aka JENNIFER THOMAS**  
1370 5<sup>TH</sup> Street  
14 Lincoln, CA 95648  
15 Registered Nurse License No. 536525  
16 Respondent.

Case No. 2015-819

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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

20 **PARTIES**

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

25 2. Jennifer Lee Thomas aka Jennifer Thomas (Respondent) is representing herself in this  
26 proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about September 10, 1997, the Board issued Registered Nurse License  
28 No. 536525 to Jennifer Lee Thomas aka Jennifer Thomas (Respondent). The Registered Nurse

1 License was in full force and effect at all times relevant to the charges brought in Petition to  
2 Revoke Probation No. 2015-819 and expired on February 28, 2017, and has not been renewed.

3 **JURISDICTION**

4 4. Petition to Revoke Probation No. 2015-819 was filed before the Board, and is  
5 currently pending against Respondent. The Petition to Revoke Probation and all other statutorily  
6 required documents were properly served on Respondent on February 1, 2017. Respondent  
7 contacted Complainant's counsel and requested to surrender her license prior to filing a Notice of  
8 Defense. A copy of Petition to Revoke Probation No. 2015-819 is attached as Exhibit A and  
9 incorporated by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, and understands the charges and allegations in Petition  
12 to Revoke Probation No. 2015-819. Respondent also has carefully read, and understands the  
13 effects of this Stipulated Surrender of License and Order.

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

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

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in Petition to  
25 Revoke Probation No. 2015-819, agrees that cause exists for discipline and hereby surrenders her  
26 Registered Nurse License No. 536525 for the Board's formal acceptance.

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

CONTINGENCY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 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. 536525, issued to Respondent Jennifer Lee Thomas aka Jennifer Thomas, is voluntarily 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.

///

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  
4 of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was  
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
10 effect at the time the petition is filed, and all of the charges and allegations contained in Petition  
11 to Revoke Probation No. 2015-819 shall be deemed to be true, correct and admitted by  
12 Respondent when the Board determines whether to grant or deny the petition.

13 5. If Respondent should ever apply or reapply for a new license or certification, or  
14 petition for reinstatement of a license, by any other health care licensing agency in the State of  
15 California, all of the charges and allegations contained in Petition to Revoke Probation, No. 2015-  
16 819 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any  
17 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

18 6. If and when Respondent's license is reinstated, she shall pay to the Board costs  
19 associated with its investigation and enforcement of the underlying matter pursuant to Business  
20 and Professions Code section 125.3 in the amount of \$5,518.08. Respondent shall be permitted to  
21 pay these costs in a payment plan approved by the Board. Nothing in this provision shall be  
22 construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of  
23 the license.

24 7. Respondent shall not apply for licensure or petition for reinstatement for one (1) year  
25 from the effective date of the Board's Decision and Order.

26 ACCEPTANCE

27 I have carefully read the Stipulated Surrender of License and Order. I understand the  
28 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated

1 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
2 by the Decision and Order of the Board of Registered Nursing.

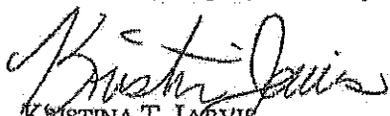
3  
4 DATED: 5/5/17   
5 JENNIFER LEE THOMAS  
6 AKA JENNIFER THOMAS  
7 Respondent

8 **ENDORSEMENT**

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

11 Dated: 5/10/17

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General

  
KRISTINA T. JARVIS  
Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Petition to Revoke Probation No. 2015-819**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KRISTINA T. JARVIS  
Deputy Attorney General  
4 State Bar No. 258229  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5403  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Petition to Revoke  
12 Probation Against,

Case No. 2015-819

13 **JENNIFER LEE THOMAS,**  
14 **aka JENNIFER THOMAS**  
1370 5<sup>TH</sup> Street  
Lincoln, CA 95648

**PETITION TO REVOKE PROBATION**

15 **Registered Nurse License No. 536525**

16 **Respondent.**

17  
18 **Complainant alleges:**

19 **PARTIES**

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

23 2. On or about September 10, 1997, the Board issued Registered Nurse License Number  
24 536525 to Jennifer Lee Thomas, also known as (aka) Jennifer Thomas ("Respondent"). The  
25 registered nurse license was in effect at all times relevant to the charges brought herein and will  
26 expire on February 28, 2017, unless renewed.

27 3. In a disciplinary action entitled "In the Matter of the Accusation Against Jennifer Lee  
28 Thomas aka Jennifer Thomas," Case No. 2015-819, the Board issued a decision, effective

1 May 5, 2016, in which Respondent's registered nurse license was revoked. However, the  
2 revocation was stayed and Respondent's registered nurse license was placed on probation for a  
3 period of three (3) years with certain terms and conditions.

4 **JURISDICTION/STATUTORY PROVISIONS**

5 4. This Petition to Revoke Probation is brought before the Board under the authority of  
6 the following laws. All section references are to the Business and Professions Code ("Code")  
7 unless otherwise indicated.

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

11 6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
12 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
13 to render a decision imposing discipline on the license.

14 **PETITION TO REVOKE PROBATION**

15 7. Condition 12 of Respondent's probation states:

16 If Respondent violates the conditions of her probation, the Board after  
17 giving Respondent notice and an opportunity to be heard, may set aside the stay order  
and impose the stayed discipline (revocation/suspension) of Respondent's license.

18 If during the period of probation, an accusation or petition to revoke  
19 probation has been filed against Respondent's license or the Attorney General's  
20 Office has been requested to prepare an accusation or petition to revoke probation  
against Respondent's license, the probationary period shall automatically be extended  
and shall not expire until the accusation or petition has been acted upon by the Board.

21 8. Grounds exist to revoke Respondent's probation and re-impose the order of  
22 revocation of her registered nurse license in that she has violated the terms and conditions of her  
23 probation, as follows:

24 **FIRST CAUSE TO REVOKE PROBATION**

25 **(Failure to Comply with the Board's Probation Program)**

26 9. Condition 2 of Respondent's probation states, in pertinent part, that Respondent shall  
27 fully comply with the conditions of the Probation Program established by the Board and

28 ///

1 cooperate with representatives of the Board in its monitoring and investigation of her compliance  
2 with the Board's Probation Program.

3 10. Respondent's probation is subject to revocation in that she has failed to fully comply  
4 with the conditions of her Probation Program and cooperate with the Board's representatives in  
5 their monitoring and investigation of her compliance with the Program, as set forth in paragraphs  
6 15 and 16 below.

7 **SECOND CAUSE TO REVOKE PROBATION**

8 **(Physical Examination: Respondent Deemed Unsafe to Practice)**

9 11. Condition 14 of Respondent's probation states, in pertinent part, that within 45 days  
10 of the effective date of the Decision, Respondent, at her expense, shall have a licensed physician,  
11 nurse practitioner, or physician assistant, who is approved by the Board before the assessment is  
12 performed, submit an assessment of the Respondent's physical condition and capability to  
13 perform the duties of a registered nurse. If medically determined, a recommended treatment  
14 program will be instituted and followed by the Respondent with the physician, nurse practitioner,  
15 or physician assistant providing written reports to the Board on forms provided by the Board. If  
16 Respondent is determined to be unable to practice safely as a registered nurse, the licensed  
17 physician, nurse practitioner, or physician assistant making this determination shall immediately  
18 notify the Board and Respondent by telephone, and the Board shall request that the Attorney  
19 General's office prepare an accusation or petition to revoke probation. Respondent shall  
20 immediately cease practice and shall not resume practice until notified by the Board. During this  
21 period of suspension, Respondent shall not engage in any practice for which a license issued by  
22 the Board is required until the Board has notified Respondent that a medical determination  
23 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
24 of this probationary time period.

25 12. Respondent's probation is subject to revocation, as follows: On or about  
26 June 16, 2016, Respondent underwent a physical examination by Dr. V. S., M.D. Dr. V. S.  
27 submitted a report to the Board, stating that Respondent cannot function at this point in time in a  
28 safe and competent manner and that further evaluation needed to be made by the Board into her

1 underlying psychiatric issues. On or about July 7, 2016, a representative of Board sent  
2 Respondent a letter, notifying her that based on the information provided by her physician, she  
3 must cease practice (as a registered nurse) and may not resume practice until notified by the  
4 Board. Respondent was also advised that she was still required to comply with all the conditions  
5 of her probation.

6 **THIRD CAUSE TO REVOKE PROBATION**

7 **(Failure to Abstain from Drugs and Alcohol)**

8 13. Condition 16 of Respondent's probation states, in pertinent part, that Respondent  
9 shall completely abstain from the possession, injection, or consumption by any route of all  
10 controlled substances and all psychotropic (mood altering) drugs, including alcohol.

11 14. Respondent's probation is subject to revocation in that she has failed to comply with  
12 Condition 16 by testing positive for consuming Methamphetamine on September 21, 2016, and  
13 November 18, 2016.

14 **FOURTH CAUSE TO REVOKE PROBATION**

15 **(Failure to Submit to Drug Screens)**

16 15. Condition 17 of Respondent's probation states, in pertinent part, that Respondent, at  
17 her expense, shall participate in a random, biological fluid testing or a drug screening program  
18 which the Board approves. The length of time and frequency will be subject to approval by the  
19 Board. Any confirmed positive finding shall be reported immediately to the Board by the  
20 program and Respondent shall be considered in violation of probation. In addition, Respondent,  
21 at any time during the period of probation, shall fully cooperate with the Board or any of its  
22 representatives, and shall, when requested, submit to such tests and samples as the Board or its  
23 representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or  
24 other controlled substances. If Respondent has a positive drug screen for any substance not  
25 legally authorized and not reported to the coordinating physician, nurse practitioner, or physician  
26 assistant, and the Board files a petition to revoke probation or an accusation, the Board may  
27 suspend Respondent from practice pending the final decision on the petition to revoke probation  
28 or the accusation. This period of suspension will not apply to the reduction of this probationary

1 time period. If Respondent fails to participate in a random, biological fluid testing or drug  
2 screening program within the specified time frame, Respondent shall immediately cease practice  
3 and shall not resume practice until notified by the Board.

4 16. Respondent's probation is subject to revocation in that she failed to submit to random,  
5 biological fluid testing as required on the following dates:

6 June 13, 2016	Missed Test
7 August 12, 2016	Missed Test
8 August 13-17, 2016	Missed Check-ins
9 August 18, 2016	Missed Check-in and Missed Test
10 August 19-22, 2016	Missed Check-ins
11 September 2, 2016	Missed Check-in
12 November 17, 2016	Missed Test
13 December 16, 2016	Missed Check-in and Missed Test
14 December 19, 2016	Missed Test
December 20-27, 2016	Missed Check-ins

15 **FIFTH CAUSE TO REVOKE PROBATION**

16 **(Mental Health Examination: Respondent Deemed Unsafe to Practice)**

17 17. Condition 18 of Respondent's probation states, in pertinent part, that Respondent  
18 shall, within 45 days of the effective date of the Decision, have a mental health examination,  
19 including psychological testing as appropriate to determine her capability to perform the duties of  
20 a registered nurse. The examination will be performed by a psychiatrist, psychologist or other  
21 licensed mental health practitioner approved by the Board. The examining mental health  
22 practitioner will submit a written report of that assessment and recommendations to the Board.  
23 All costs are the responsibility of Respondent. Recommendations for treatment, therapy or  
24 counseling made as a result of the mental health examination will be instituted and followed by  
25 Respondent. If Respondent is determined to be unable to practice safely as a registered nurse, the  
26 licensed mental health practitioner making this determination shall immediately notify the Board  
27 and Respondent by telephone, and the Board shall request that the Attorney General's office  
28 prepare an accusation or petition to revoke probation. Respondent shall immediately cease

1 practice and shall not resume practice until notified by the Board. During this period of  
2 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
3 is required, until the Board has notified Respondent that a mental health determination permits  
4 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
5 probationary time period.

6 18. Respondent's probation is subject to revocation, as follows: On or about  
7 June 16, 2016, Respondent underwent a mental health examination by Dr. V. S. Dr. V. S.  
8 submitted a report to the Board, stating that Respondent cannot work in a safe and competent  
9 manner in the emergency room until further evaluation is made by the Board.

10 **PRAYER**

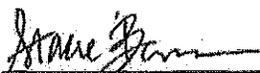
11 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking the probation that was granted by the Board of Registered Nursing in Case  
14 No. 2015-819 and imposing the disciplinary order that was stayed, thereby revoking Registered  
15 Nurse License Number 536525, issued to Jennifer Lee Thomas, also known as Jennifer Thomas;

16 2. Revoking or suspending Registered Nurse License No. 78445 issued to Jennifer Lee  
17 Thomas, also known as Jennifer Thomas; and,

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

19 DATED: February 1, 2017

20   
21 *fy* JOSEPH L. MORRIS, PHD, MSN, RN  
22 Executive Officer  
23 Board of Registered Nursing  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant

27  
28 SA2016103229

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

In the Matter of the Accusation Against:

**JENNIFER LEE THOMAS**  
**AKA JENNIFER THOMAS**  
**1370 5<sup>th</sup> Street**  
**Lincoln, CA 95648**

**Registered Nurse License No. 536525**

Respondent

Case No. 2015-819

OAH No. 2015060184

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 05, 2016.

IT IS SO ORDERED April 05, 2016.

*Michael D. Jackson MSN, RN, BCN*

Michael D. Jackson, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KRISTINA T. JARVIS  
Deputy Attorney General  
4 State Bar No. 258229  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5403  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 2015-819

12 **JENNIFER LEE THOMAS**  
13 **AKA JENNIFER THOMAS**  
1370 5th Street  
14 Lincoln, CA 95648

OAH No. 2015060184

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Registered Nurse License No. 536525

16 Respondent.

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. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board  
21 of Registered Nursing. She brought this action solely in her official capacity and is represented in  
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Kristina T.  
23 Jarvis, Deputy Attorney General.

24 2. Respondent Jennifer Lee Thomas, aka Jennifer Thomas ("Respondent") is represented  
25 in this proceeding by the law firm Rothschild, Wishek & Sands LLP, whose address is: 765  
26 University Avenue, Sacramento, CA 95825

27 3. On or about September 10, 1997, the Board of Registered Nursing issued Registered  
28 Nurse License No. 536525 to Jennifer Lee Thomas, aka Jennifer Thomas (Respondent). The

1 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
2 in Accusation No. 2015-819 and will expire on February 28, 2017, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 2015-819 was filed before the Board of Registered Nursing (Board),  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on April 28,  
7 2015. Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 2015-819 is attached as exhibit A and incorporated herein  
9 by reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in Accusation No. 2015-819. Respondent has also carefully read, fully  
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
14 Order.

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

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

24 **CULPABILITY**

25 9. Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 2015-819.

27 10. Respondent agrees that her Registered Nurse License is subject to discipline and she  
28 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.



1           **Severability Clause.** Each condition of probation contained herein is a separate and  
2 distinct condition. If any condition of this Order, or any application thereof, is declared  
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
5 and enforceable to the fullest extent permitted by law.

6           **1. Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and  
7 detailed account of any and all violations of law shall be reported by Respondent to the Board in  
8 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with  
9 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within  
10 45 days of the effective date of the decision, unless previously submitted as part of the licensure  
11 application process.

12           **Criminal Court Orders:** If Respondent is under criminal court orders, including  
13 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
14 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

15           **2. Comply with the Board's Probation Program.** Respondent shall fully comply with  
16 the conditions of the Probation Program established by the Board and cooperate with  
17 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
18 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
19 more than 15 days of any address change and shall at all times maintain an active, current license  
20 status with the Board, including during any period of suspension.

21           Upon successful completion of probation, Respondent's license shall be fully restored.

22           **3. Report in Person.** Respondent, during the period of probation, shall appear in  
23 person at interviews/meetings as directed by the Board or its designated representatives.

24           **4. Residency, Practice, or Licensure Outside of State.** Periods of residency or  
25 practice as a registered nurse outside of California shall not apply toward a reduction of this  
26 probation time period. Respondent's probation is tolled, if and when she resides outside of  
27 California. Respondent must provide written notice to the Board within 15 days of any change of  
28 residency or practice outside the state, and within 30 days prior to re-establishing residency or

1. returning to practice in this state.

2. Respondent shall provide a list of all states and territories where she has ever been licensed  
3. as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
4. information regarding the status of each license and any changes in such license status during the  
5. term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
6. license during the term of probation.

7. **5. Submit Written Reports.** Respondent, during the period of probation, shall submit  
8. or cause to be submitted such written reports/declarations and verification of actions under  
9. penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
10. relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
11. Respondent shall immediately execute all release of information forms as may be required by the  
12. Board or its representatives.

13. Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
14. state and territory in which she has a registered nurse license.

15. **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall  
16. engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
17. 6 consecutive months or as determined by the Board.

18. For purposes of compliance with the section, "engage in the practice of registered nursing"  
19. may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
20. non-direct patient care position that requires licensure as a registered nurse.

21. The Board may require that advanced practice nurses engage in advanced practice nursing  
22. for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

23. If Respondent has not complied with this condition during the probationary term, and  
24. Respondent has presented sufficient documentation of her good faith efforts to comply with this  
25. condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
26. extension of Respondent's probation period up to one year without further hearing in order to  
27. comply with this condition. During the one year extension, all original conditions of probation  
28. shall apply.

1           **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
2 prior approval from the Board before commencing or continuing any employment, paid or  
3 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
4 performance evaluations and other employment related reports as a registered nurse upon request  
5 of the Board.

6           Respondent shall provide a copy of this Decision to her employer and immediate  
7 supervisors prior to commencement of any nursing or other health care related employment.

8           In addition to the above, Respondent shall notify the Board in writing within seventy-two  
9 (72) hours after she obtains any nursing or other health care related employment. Respondent  
10 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
11 separated, regardless of cause, from any nursing, or other health care related employment with a  
12 full explanation of the circumstances surrounding the termination or separation.

13           **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
14 Respondent's level of supervision and/or collaboration before commencing or continuing any  
15 employment as a registered nurse, or education and training that includes patient care.

16           Respondent shall practice only under the direct supervision of a registered nurse in good  
17 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
18 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
19 approved.

20           Respondent's level of supervision and/or collaboration may include, but is not limited to the  
21 following:

22           (a) Maximum - The individual providing supervision and/or collaboration is present in  
23 the patient care area or in any other work setting at all times.

24           (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
25 care unit or in any other work setting at least half the hours Respondent works.

26           (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
27 person communication with Respondent at least twice during each shift worked.

28           (d) Home Health Care - If Respondent is approved to work in the home health care

1 setting, the individual providing supervision and/or collaboration shall have person-to-person  
2 communication with Respondent as required by the Board each work day. Respondent shall  
3 maintain telephone or other telecommunication contact with the individual providing supervision  
4 and/or collaboration as required by the Board during each work day. The individual providing  
5 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
6 patients' homes visited by Respondent with or without Respondent present.

7 **9. Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
8 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
9 or for an in-house nursing pool.

10 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
11 registered nursing supervision and other protections for home visits have been approved by the  
12 Board. Respondent shall not work in any other registered nursing occupation where home visits  
13 are required.

14 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
15 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
16 and/or unlicensed assistive personnel on a case-by-case basis.

17 Respondent shall not work as a faculty member in an approved school of nursing or as an  
18 instructor in a Board approved continuing education program.

19 Respondent shall work only on a regularly assigned, identified and predetermined  
20 worksite(s) and shall not work in a float capacity.

21 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
22 request documentation to determine whether there should be restrictions on the hours of work.

23 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and  
24 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
25 months prior to the end of her probationary term.

26 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
27 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
28 above required course(s). The Board shall return the original documents to Respondent after

1 photocopying them for its records.

2       **11. Cost Recovery.** Respondent shall pay to the Board costs associated with its  
3 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
4 amount of \$6,467.00. Respondent shall be permitted to pay these costs in a payment plan  
5 approved by the Board, with payments to be completed no later than three months prior to the end  
6 of the probation term.

7       If Respondent has not complied with this condition during the probationary term, and  
8 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
9 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
10 extension of Respondent's probation period up to one year without further hearing in order to  
11 comply with this condition. During the one year extension, all original conditions of probation  
12 will apply.

13       **12. Violation of Probation.** If Respondent violates the conditions of her probation, the  
14 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
15 and impose the stayed discipline (revocation/suspension) of Respondent's license.

16       If during the period of probation, an accusation or petition to revoke probation has been  
17 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
18 an accusation or petition to revoke probation against Respondent's license, the probationary  
19 period shall automatically be extended and shall not expire until the accusation or petition has  
20 been acted upon by the Board.

21       **13. License Surrender.** During Respondent's term of probation, if she ceases practicing  
22 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
23 Respondent may surrender her license to the Board. The Board reserves the right to evaluate  
24 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
25 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
26 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
27 subject to the conditions of probation.

28       Surrender of Respondent's license shall be considered a disciplinary action and shall

1 become a part of Respondent's license history with the Board. A registered nurse whose license  
2 has been surrendered may petition the Board for reinstatement no sooner than the following  
3 minimum periods from the effective date of the disciplinary decision:

4 (1) Two years for reinstatement of a license that was surrendered for any reason other  
5 than a mental or physical illness; or

6 (2) One year for a license surrendered for a mental or physical illness.

7 14. **Physical Examination.** Within 45 days of the effective date of this Decision,  
8 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician  
9 assistant, who is approved by the Board before the assessment is performed, submit an  
10 assessment of the Respondent's physical condition and capability to perform the duties of a  
11 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
12 medically determined, a recommended treatment program will be instituted and followed by the  
13 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
14 to the Board on forms provided by the Board.

15 If Respondent is determined to be unable to practice safely as a registered nurse, the  
16 licensed physician, nurse practitioner, or physician assistant making this determination shall  
17 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
18 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
19 immediately cease practice and shall not resume practice until notified by the Board. During this  
20 period of suspension, Respondent shall not engage in any practice for which a license issued by  
21 the Board is required until the Board has notified Respondent that a medical determination  
22 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
23 of this probationary time period.

24 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
25 requirement, Respondent shall immediately cease practice and shall not resume practice until  
26 notified by the Board. This period of suspension will not apply to the reduction of this  
27 probationary time period. The Board may waive or postpone this suspension only if significant,  
28 documented evidence of mitigation is provided. Such evidence must establish good faith efforts

1 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
2 Only one such waiver or extension may be permitted.

3 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

4 Respondent, at her expense, shall successfully complete during the probationary period or shall  
5 have successfully completed prior to commencement of probation a Board-approved  
6 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
7 submitted by the program on forms provided by the Board. If Respondent has not completed a  
8 Board-approved treatment/rehabilitation program prior to commencement of probation,  
9 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
10 If a program is not successfully completed within the first nine months of probation, the Board  
11 shall consider Respondent in violation of probation.

12 Based on Board recommendation, each week Respondent shall be required to attend at least  
13 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
14 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
15 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
16 added. Respondent shall submit dated and signed documentation confirming such attendance to  
17 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
18 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
19 and/or other ongoing recovery groups.

20 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
21 completely abstain from the possession, injection or consumption by any route of all controlled  
22 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
23 are ordered by a health care professional legally authorized to do so as part of documented  
24 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
25 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
26 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
27 longer be required, and the effect on the recovery plan, if appropriate.

28 Respondent shall identify for the Board a single physician, nurse practitioner or physician

1 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
2 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
3 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
4 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
5 considered addictive have been prescribed, the report shall identify a program for the time limited  
6 use of any such substances.

7 The Board may require the single coordinating physician, nurse practitioner, or physician  
8 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
9 medicine.

10 **17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a  
11 random, biological fluid testing or a drug screening program which the Board approves. The  
12 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
13 for keeping the Board informed of Respondent's current telephone number at all times.  
14 Respondent shall also ensure that messages may be left at the telephone number when she is not  
15 available and ensure that reports are submitted directly by the testing agency to the Board, as  
16 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
17 program and Respondent shall be considered in violation of probation.

18 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
19 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
20 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
21 hypnotics, dangerous drugs, or other controlled substances.

22 If Respondent has a positive drug screen for any substance not legally authorized and not  
23 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
24 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
25 practice pending the final decision on the petition to revoke probation or the accusation. This  
26 period of suspension will not apply to the reduction of this probationary time period.

27 If Respondent fails to participate in a random, biological fluid testing or drug screening  
28 program within the specified time frame, Respondent shall immediately cease practice and shall

1 not resume practice until notified by the Board: After taking into account documented evidence  
2 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
3 suspend Respondent from practice pending the final decision on the petition to revoke probation  
4 or the accusation. This period of suspension will not apply to the reduction of this probationary  
5 time period.

6 **18. Mental Health Examination.** Respondent shall, within 45 days of the effective date  
7 of this Decision, have a mental health examination including psychological testing as appropriate  
8 to determine her capability to perform the duties of a registered nurse. The examination will be  
9 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
10 the Board. The examining mental health practitioner will submit a written report of that  
11 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
12 Recommendations for treatment, therapy or counseling made as a result of the mental health  
13 examination will be instituted and followed by Respondent.

14 If Respondent is determined to be unable to practice safely as a registered nurse, the  
15 licensed mental health care practitioner making this determination shall immediately notify the  
16 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
17 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
18 practice and may not resume practice until notified by the Board. During this period of  
19 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
20 is required, until the Board has notified Respondent that a mental health determination permits  
21 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
22 probationary time period.

23 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
24 requirement, Respondent shall immediately cease practice and shall not resume practice until  
25 notified by the Board. This period of suspension will not apply to the reduction of this  
26 probationary time period. The Board may waive or postpone this suspension only if significant,  
27 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
28 by Respondent to obtain the assessment, and a specific date for compliance must be provided.

1 Only one such waiver or extension may be permitted.

2 19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in  
3 an on-going counseling program until such time as the Board releases her from this requirement  
4 and only upon the recommendation of the counselor. Written progress reports from the counselor  
5 will be required at various intervals.

6 ACCEPTANCE

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
8 discussed it with my attorneys from Rothschild, Wishek & Sands LLP. I understand the  
9 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated  
10 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
11 bound by the Decision and Order of the Board of Registered Nursing.

12  
13 DATED: \_\_\_\_\_

JENNIFER LEE THOMAS,  
AKA JENNIFER THOMAS  
Respondent

14  
15  
16  
17 APPROVAL AS TO FORM AND CONTENT

18 I have read and fully discussed with Respondent Jennifer Lee Thomas, aka Jennifer Thomas  
19 the terms and conditions and other matters contained in the above Stipulated Settlement and  
20 Disciplinary Order. I approve its form and content.

21  
22 DATED: \_\_\_\_\_

Rothschild, Wishek & Sands LLP  
Attorney for Respondent

23  
24  
25  
26  
27 ///

28 ///

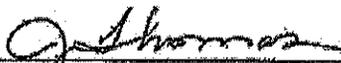
1 Only one such waiver or extension may be permitted.

2 19. Therapy or Counseling Program. Respondent, at her expense, shall participate in  
3 an on-going counseling program until such time as the Board releases her from this requirement  
4 and only upon the recommendation of the counselor. Written progress reports from the counselor  
5 will be required at various intervals.

6 ACCEPTANCE

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
8 discussed it with my attorneys from Rothschild, Wishek & Sands LLP. I understand the  
9 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated  
10 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
11 bound by the Decision and Order of the Board of Registered Nursing.

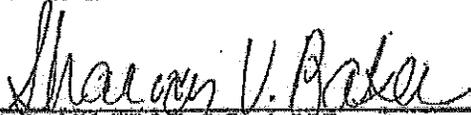
12  
13 DATED: 1/21/16

  
14 JENNIFER LEE THOMAS,  
15 AKA JENNIFER THOMAS  
16 Respondent

17 APPROVAL AS TO FORM AND CONTENT

18 I have read and fully discussed with Respondent Jennifer Lee Thomas, aka Jennifer Thomas  
19 the terms and conditions and other matters contained in the above Stipulated Settlement and  
20 Disciplinary Order. I approve its form and content.

21  
22 DATED: 1/22/16

  
23 Rothschild, Wishek & Sands LLP  
24 Attorney for Respondent

25  
26  
27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing.

Dated: January 25, 2016

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General

  
KRISTINA T. JARVIS  
Deputy Attorney General  
*Attorneys for Complainant*

SA2015100249  
12023134.doc

**Exhibit A**

**Accusation No. 2015-819**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KRISTINA T. JARVIS  
Deputy Attorney General  
4 State Bar No. 258229  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5403  
Facsimile: (916) 327-8643  
7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:	Case No. <i>2015-819</i>
12 JENNIFER LEE THOMAS	ACCUSATION
13 AKA JENNIFER THOMAS	
14 1370 5th Street	
15 Lincoln, CA 95648	
16 Registered Nurse License No. 536525	
Respondent.	

17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about September 10, 1997, the Board of Registered Nursing issued Registered  
23 Nurse License Number 536525 to Jennifer Lee Thomas, aka Jennifer Thomas (Respondent). The  
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on February 28, 2017, unless renewed.

26 ///  
27 ///  
28 ///



1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 9. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
4 section 2761, subdivision (a) in that on or about February 28, 2013, Respondent attempted to  
5 purchase and possess the Schedule II controlled substance methamphetamine. The circumstances  
6 are that on or about February 28, 2013, an individual named H.L. was arrested by a Sacramento  
7 Police Detective for possession of 3.5 grams of methamphetamine. During the arrest, text  
8 messages were found on H.L.'s cell phone from Respondent indicating that Respondent was  
9 planning to purchase methamphetamine from H.L. The detective contacted Respondent, who  
10 admitted that she was waiting to purchase methamphetamine from H.L. to give to her nephew.  
11 Respondent further admitted that she had previously purchased meth from H.L., and she had, prior  
12 to this incident, both used meth and given it to others.

13 PRAYER

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

- 16 1. Revoking or suspending Registered Nurse License Number 536525, issued to Jennifer  
17 Lee Thomas, aka Jennifer Thomas
- 18 2. Ordering Jennifer Lee Thomas, aka Jennifer Thomas to pay the Board of Registered  
19 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to  
20 Business and Professions Code section 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.
- 22  
23

24 DATED: *April 28, 2015*

*for* LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

25  
26  
27  
28 SA2015100249  
11801269.doc