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

In the Matter of the Accusation Against:

Case No. 1002539216

**BRENDA ANN TOWERS, AKA BRENDA  
ANN KOKAS  
3612 Whiteoak Drive  
Banning, CA 92220  
Vocational Nurse License No. VN 200957**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

**FINDINGS OF FACT**

1. On or about June 21, 2016, Complainant Kameka Brown, PhD, MBA, NP, in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, filed Accusation No. 1002539216 against Brenda Ann Towers, aka Brenda Ann Kokas (Respondent) before the Board of Vocational Nursing and Psychiatric Technicians. (Accusation attached as Exhibit A.)

2. On or about September 9, 2002, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 200957 to Respondent. The Vocational Nurse License expired on February 28, 2014, and has not been renewed.

3. On or about June 29, 2016, Respondent was served by Certified and First Class Mail

1 copies of the Accusation No. 1002539216, Statement to Respondent, Notice of Defense, Request  
2 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
3 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
4 section 136, is required to be reported and maintained with the Board. Respondent's address of  
5 record was and is:

6 3612 Whiteoak Drive  
7 Banning, CA 92220.

8 4. Service of the Accusation was effective as a matter of law under the provisions of  
9 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
10 124.

11 5. On or about June 20, 2016, the California Attorney General's Office, San Diego  
12 branch, received an acknowledgment of receipt form from the U.S. Postal Service, San  
13 Bernardino branch, on which one "Sarah Thompson" signed for receipt of delivery on July 18,  
14 2016, of the documents set forth in paragraph 3, above.

15 6. Government Code section 11506(c) states, in pertinent part:

16 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
17 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
18 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
19 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
20 discretion may nevertheless grant a hearing.

21 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
22 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No.  
23 1002539216.

24 8. California Government Code section 11520(a) states, in pertinent part:

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

9. Pursuant to its authority under Government Code section 11520, the Board finds  
Respondent is in default. The Board will take action without further hearing and, based on the

1 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
2 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
3 file at the Board's offices regarding the allegations contained in Accusation No. 1002539216,  
4 finds that the charges and allegations in Accusation No. 1002539216, are separately and  
5 severally, found to be true and correct by clear and convincing evidence.

6 10. Taking official notice of its own internal records, pursuant to Business and  
7 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
8 and Enforcement is \$1,505.00 as of September 12, 2016.

9 **DETERMINATION OF ISSUES**

10 1. Based on the foregoing findings of fact, Respondent Brenda Ann Towers, aka Brenda  
11 Ann Kokas has subjected her Vocational Nurse License No. VN 200957 to discipline.

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

13 3. The Board of Vocational Nursing and Psychiatric Technicians is authorized to revoke  
14 Respondent's Vocational Nurse License based upon the following violations alleged in the  
15 Accusation which are supported by the evidence contained in the Default Decision Evidence  
16 Packet in this case:

17 a. Unprofessional conduct and gross negligence, as defined in Business and Professions  
18 Code section 2878, subdivision (a)(1), and the California Code of Regulations, title 16, section  
19 2519.

20 b. Unprofessional conduct and incompetence, as defined in Business and Professions  
21 Code section 2878, subdivision (a)(1), and the California Code of Regulations, title 16, section  
22 2520.

23 c. Unprofessional conduct in failing to properly document client care, as defined in  
24 Business and Professions Code section 2878, subdivision (a)(1), and the California Code of  
25 Regulations, title 16, section 2518.6(a)(2).

26 d. Unprofessional conduct in failure to adhere to professional standards of practice, as  
27 defined in Business and Professions Code section 2878, subdivision (a)(1), and the California  
28

1 Code of Regulations, title 16, section 2518.6(b).

2 **ORDER**

3 IT IS SO ORDERED that Vocational Nurse License No. VN 200957, heretofore issued to  
4 Respondent Brenda Ann Towers, aka Brenda Ann Kokas, is revoked.

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

9 This Decision shall become effective on NOV 10 2016.

10 It is so ORDERED OCT 03 2016

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Attachment:  
Exhibit A: Accusation

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FOR THE BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS

# Exhibit A

Accusation

(BRENDA ANN TOWERS, AKA BRENDA ANN KOKAS)

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 STEPHEN A. ARONIS  
Deputy Attorney General  
4 State Bar No. 204995  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9451  
7 Facsimile: (619) 645-2581  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1002539216

12 **BRENDA ANN TOWERS, AKA BRENDA**  
13 **ANN KOKAS**  
14 **3612 Whiteoak Drive**  
**Banning, CA 92220**

**A C C U S A T I O N**

15 Vocational Nurse License No. VN 200957

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Karneka Brown, PhD, MBA, NP (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric  
22 Technicians, Department of Consumer Affairs.

23 2. On or about September 9, 2002, the Board of Vocational Nursing and Psychiatric  
24 Technicians issued Vocational Nurse License Number VN 200957 to Brenda Ann Towers, aka  
25 Brenda Ann Kokas (Respondent). The Vocational Nurse License expired on February 28, 2014,  
26 and has not been renewed.

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1 JURISDICTION

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

5 4. Section 2875 of the Code provides, in pertinent part, that the Board may discipline the  
6 holder of a vocational nurse license for any reason provided in Article 3 of the Vocational  
7 Nursing Practice Act.

8 5. Section 118, subdivision (b) of the Code provides, in pertinent part, that the  
9 expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary  
10 action during the period within which the license may be renewed, restored, reissued or  
11 reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any  
12 time within four years after the expiration.

13 STATUTORY PROVISIONS

14 6. Section 2878 of the Code states, Grounds for Suspension or Revocation:

15 "The Board may suspend or revoke a license issued under this chapter [the Vocational  
16 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

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

18 (1) Incompetence, or gross negligence in carrying out usual nursing functions."

19 REGULATORY PROVISIONS

20 7. California Code of Regulations, title 16, section 2518.6, Performance Standards,  
21 states:

22 "(a) A licensed vocational nurse shall safeguard patients'/clients' health and safety by  
23 actions that include but are not limited to the following:

24 (1) Reporting to the Board acts specified in Sections 2878 and 2878.5 of the Business and  
25 Professions Code;

26 (2) Documenting patient/client care in accordance with standards of the profession; and

27 (3) Performing services in accordance with Section 125.6 of the Business and Professions  
28 Code.

1 (b) A licensed vocational nurse shall adhere to standards of the profession and shall  
2 incorporate ethical and behavioral standards of professional practice which include but are not  
3 limited to the following:

4 (1) Maintaining current knowledge and skills for safe and competent practice;

5 (2) Maintaining patient/client confidentiality;

6 (3) Maintaining professional boundaries with the patient/client;

7 (4) Abstaining from chemical/substance abuse; and

8 (5) Cooperating with the Board during investigations as required by Section 2878.1 of the  
9 Business and Professions Code.

10 (c) A violation of this section constitutes unprofessional conduct for purposes of initiating  
11 disciplinary action."

12 8. California Code of Regulations, title 16, section 2519, Gross Negligence, states:

13 "As set forth in Section 2878 of the Code, gross negligence is deemed unprofessional  
14 conduct and is a ground for disciplinary action. As used in Section 2878 'gross negligence'  
15 means a substantial departure from the standard of care which, under similar circumstances,  
16 would have ordinarily been exercised by a competent licensed vocational nurse, and which has or  
17 could have resulted in harm to the consumer. An exercise of so slight a degree of care as to  
18 justify the belief that there was a conscious disregard or indifference for the health, safety, or  
19 welfare of the consumer shall be considered a substantial departure from the above standard of  
20 care."

21 9. California Code of Regulations, title 16, section 2520, Incompetence, states:

22 "As set forth in Section 2878 of the Code, incompetence is deemed unprofessional conduct  
23 and is a ground for disciplinary action. As used in Section 2878 'incompetence' means the lack  
24 of possession of and the failure to exercise that degree of learning, skill, care and experience  
25 ordinarily possessed and exercised by responsible licensed vocational nurses."

#### 26 COST RECOVERY

27 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
28 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
4 included in a stipulated settlement.

#### 5 FACTUAL ALLEGATIONS

6 11. Respondent was employed at San Gorgonio Memorial Hospital as a licensed  
7 vocational nurse in September 2008. While assigned to the Medical/Surgical Unit at that time,  
8 Respondent observed a patient fall to the ground, or who had fallen on the ground, but failed to  
9 document the fall until one week later, and did not notify the registered nurse. This failure of  
10 documentation compromised the knowledge of other nursing staff, and led to a failure of nursing  
11 staff to take all necessary measures to prevent the patient from falling again. As a result of  
12 Respondent's failure of documentation, the patient did fall again the very next day, incurring  
13 serious injuries. The patient succumbed to those injuries and died days later.

14 12. Patient O.C. was received in the Emergency Room at San Gorgonio Memorial  
15 Hospital on September 17, 2008, at 1123 hrs., with complaints of left-sided weakness and slurred  
16 speech. The patient was diagnosed with Cerebrovascular Accident (stroke) and hypertension.  
17 The patient was admitted to room 118A of the Medical/Surgical Unit at 1400 hrs. At  
18 approximately 1725 hrs., a registered nurse completed the admission and initial assessment of the  
19 patient and documented in the chart a history of falls. The patient had newly-identified  
20 weakness/paralysis, decreased use of both lower extremities, and was to be on bed rest.

21 13. The patient fell in the Medical/Surgical Unit at approximately 0500 hrs. the next  
22 morning, September 18, 2008, while Respondent was on duty. Respondent either observed the  
23 fall, or observed the fallen patient on the floor. Respondent was the only nurse aware of the fall  
24 and failed to inform the registered nurse assigned to the patient, or anyone else. Respondent also  
25 did not document the fall in the patient's chart until one week later, September 25, 2008. At some  
26 point, the patient was assigned a Morse Fall Score of 45. A "risk fall band" was placed on the  
27 patient's wrist.



1 competent licensed vocational nurse, causing harm to Patient O.C. As described in paragraphs  
2 11-20, above, Respondent failed to ensure adequate reporting and documentation of the patient's  
3 fall at 0500 hrs. on September 18, 2008. This action was necessary to provide for continuity of  
4 care, adequate communication among nursing staff, and to protect the patient from additional  
5 falls. Respondent's gross negligence contributed to the patient's second, more serious fall, in that  
6 her failures of communication and documentation led to the patient receiving inadequate  
7 prophylactic measures for his safety.

#### 8 SECOND CAUSE FOR DISCIPLINE

9 (Incompetence)

10 22. Respondent has subjected her vocational nurse license to disciplinary action for  
11 unprofessional conduct under section 2878, subdivision (a)(1) of the Code in that she was  
12 incompetent, as defined by California Code of Regulations, title 16, section 2520. Respondent  
13 failed to exercise that degree of learning, skill, care, and experience ordinarily possessed and  
14 exercised by responsible licensed vocational nurses, causing harm to Patient O.C. As described  
15 in paragraphs 11-20, above, Respondent failed to document the patient's fall at 0500 hrs. on  
16 September 18, 2008, and failed to notify other nursing staff of the same. A responsible licensed  
17 vocational nurse would have immediately documented the fall, and notified other nursing staff.  
18 Timely and accurate documentation could have led to more effective prophylactic measures being  
19 taken, and could have prevented the patient's more serious fall during the evening hours of the  
20 same day.

#### 21 THIRD CAUSE FOR DISCIPLINE

22 (Failure to Document Client Care)

23 23. Respondent has subjected her vocational nurse license to disciplinary action for  
24 unprofessional conduct under section 2878, subdivision (a)(1) of the Code in that she failed to  
25 properly document client care, as defined by California Code of Regulations, title 16, section  
26 2518.6(a)(2), causing harm to Patient O.C. As described in paragraphs 11-20, above, Respondent  
27 failed to document Plaintiff's fall to the ground at 0500 hrs. on September 18, 2008, and failed to  
28 notify other nursing staff. Respondent's failure to carry out this basic documentation contributed

1 to the patient receiving inadequate prophylactic measures for his safety, and to his subsequent and  
2 more serious fall during the evening hours of the same day.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 (Failure to Adhere to Professional/Behavioral Standards of Practice)

5 24. Respondent has subjected her vocational nurse license to disciplinary action for  
6 unprofessional conduct under section 2878, subdivision (a)(1) of the Code in that she failed to  
7 properly document client care, as defined by California Code of Regulations, title 16, section  
8 2518.6(b), causing harm to Patient O.C. As described in paragraphs 11-20, above, Respondent  
9 failed to document Plaintiff's fall to the ground at 0500 hrs. on September 18, 2008, and failed to  
10 notify other nursing staff. Respondent's failure to adhere to professional standards of practice  
11 contributed to the patient receiving inadequate prophylactic measures for his safety, and to his  
12 subsequent and more serious fall during the evening hours of the same day.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct)

15 25. Respondent has subjected her vocational nurse license to disciplinary action under  
16 section 2878, subdivision (a) of the Code in that her conduct, as described in paragraphs 11-20,  
17 above, was unprofessional.

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PRAYER

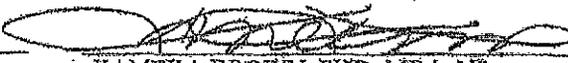
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 200957, issued to Brenda Ann Towers, aka Brenda Ann Kokas;

2. Ordering Brenda Ann Towers to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 06/21/16

  
KAMEKA BROWN, PH.D. MBA, NP  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

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