

BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

RUDOLPH SALVADOR YBARRA, JR. a.k.a.,
RUDOLPH S. YBARRA, JR. a.k.a.,
RUDOLPH SALVADOR YBARRA

Case No. 2017-210

Registered Nurse License No. 429986

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 March 16, 2017

IT IS SO ORDERED this 16th day of March, 2017

for 
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 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-3465
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:	Case No. 2017-210	
11 RUDOLPH SALVADOR YBARRA, JR.,	STIPULATED SURRENDER OF	
12 aka RUDOLPH S. YBARRA, JR. AND		LICENSE AND ORDER
13 RUDOLPH SALVADOR YBARRA		
14 8103 Michigan Ave. Whittier, CA 90602		
15 Registered Nurse License No. 429986		
16 Respondent.		

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

21 **PARTIES**

- 22 1. Joseph L. Morris, PhD, MSN, RN (Complainant) is the Executive Officer of the
23 Board of Registered Nursing (Board). He brought this action solely in his official capacity and is
24 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
25 Leslie A. Walden, Deputy Attorney General.
- 26 2. Rudolph Salvador Ybarra, Jr., aka Rudolph S. Ybarra, Jr. and Rudolph Salvador
27 Ybarra (Respondent) is representing himself in this proceeding and has chosen not to exercise his
28 right to be represented by counsel.

1 1. The surrender of Respondent's Registered Nurse License and the acceptance of the
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
3 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
4 license history with the Board of Registered Nursing.

5 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
6 of the effective date of the Board's Decision and Order.

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

9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. 2017-210 shall be deemed to be true, correct and admitted by Respondent when
14 the Board determines whether to grant or deny the petition.

15 5. If and when Respondent's license is reinstated, he shall pay to the Board costs
16 associated with its investigation and enforcement pursuant to Business and Professions Code
17 section 125.3 in the amount of \$12,323.91. Respondent shall be permitted to pay these costs in a
18 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
19 Board from reducing the amount of cost recovery upon reinstatement of the license.

20 6. If Respondent should ever apply or reapply for a new license or certification, or
21 petition for reinstatement of a license, by any other health care licensing agency in the State of
22 California, all of the charges and allegations contained in Accusation, No. 2017-210 shall be
23 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
24 Issues or any other proceeding seeking to deny or restrict licensure.

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

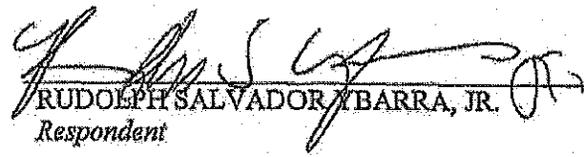
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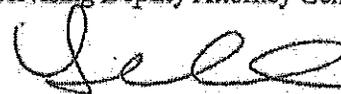
ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 2/18/17 
RUDOLPH SALVADOR YBARRA, JR.
Respondent

ENDORSEMENT

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

Dated: 2/22/17 Respectfully submitted,
XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

LESLIE A. WALDEN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2017-210

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:
11 **RUDOLPH SALVADOR YBARRA, JR.**
12 **aka RUDOLPH S. YBARRA, JR. aka**
13 **RUDOLPH SALVADOR YBARRA**
14 **8103 Michigan Ave.**
15 **Whittier, CA 90602**
16 **Registered Nurse License No. 429986**
17 **Respondent.**

Case No. 2017-210

ACCUSATION

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20 Complainant alleges:

PARTIES

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

24 2. On or about August 31, 1988, the Board of Registered Nursing issued Registered
25 Nurse License Number 429986 to Rudolph Salvador Ybarra, Jr. aka Rudolph S. Ybarra, Jr. aka
26 Rudolph Salvador Ybarra (Respondent). The Registered Nurse License was in full force and
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1 effect at all times relevant to the charges brought herein and will expire on April 30, 2018, unless
2 renewed.

3 JURISDICTION

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

7 STATUTORY PROVISIONS

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

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

16 6. Section 2761 of the Code states:

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

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

20 A(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
21 functions.

22 "...

23 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
24 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
25 Act] or regulations adopted pursuant to it.

26 "..."

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1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Obtain or Possess Controlled Substances)

3 19. Respondent is subject to disciplinary action under section 2762 subdivision (a) in that
4 he obtained or possessed, in violation of law, controlled substances as defined in Division 10
5 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or
6 dangerous device as defined in Section 4022. The circumstances surrounding these violations are
7 set forth in paragraphs 11 through 15, above and are incorporated herein as though set forth in
8 full. Each incident of obtaining or possessing controlled substance medications separately
9 constitute Unprofessional Conduct.

10 FOURTH CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct -- Falsified Records)

12 20. Respondent is subject to disciplinary action under section 2762 subdivision (e) in that
13 he falsified, or made grossly incorrect, grossly inconsistent, or unintelligible entries in a hospital,
14 patient, or other record. The circumstances surrounding these violations are set forth in
15 paragraphs 11 through 15, above and are incorporated herein as though set forth in full. Each
16 incident of falsified, or grossly incorrect, grossly inconsistent, or unintelligible entries in a
17 hospital, patient, or other record separately constitute Unprofessional Conduct.

18 PRAYER

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

- 22 1. Revoking or suspending Registered Nurse License Number 429986, issued to
23 Rudolph Salvador Ybarra, Jr. aka Rudolph S. Ybarra, Jr. aka Rudolph Salvador Ybarra;
24 2. Ordering Rudolph Salvador Ybarra, Jr. aka Rudolph S. Ybarra, Jr. aka Rudolph
25 Salvador Ybarra to pay the Board of Registered Nursing the reasonable costs of the investigation
26 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

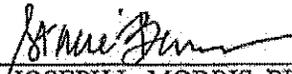
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3. Taking such other and further action as deemed necessary and proper.

DATED: September 21, 2016

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

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