

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

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

In the Matter of the Accusation Against:  
**MICHELLE FLORES BELLA**  
**1080 Via Saint Lucia Place**  
**Henderson, NV 89011**  
  
**Registered Nurse License No. 830469**  
  
RESPONDENT

Case No. 2016-937  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 23, 2016, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2016-937 against Michelle Flores Bella (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)
2. On or about October 3, 2012, the Board of Registered Nursing (Board) issued Registered Nurse License No. 830469 to Respondent. The Registered Nurse License expired on April 30, 2014, and has not been renewed.
3. On or about March 23, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2016-937, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to

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

4 1080 Via Saint Lucia Place  
5 Henderson, NV 89011.

6 On or about March 23, 2016, Respondent was served by Certified and First Class Mail  
7 copies of the Accusation No. 2016-937, Statement to Respondent, Notice of Defense, Request for  
8 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to alternate addresses  
9 retrieved from LexisNexis as follows:

10 203 Coggins Dr. Apt. A217  
11 Pleasant Hill, CA 94523.

12 And

13 203 Coggins Dr. Apt. A209  
14 Pleasant Hill, CA 94523.

15 4. Service of the Accusation was effective as a matter of law under the provisions of  
16 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
17 124.

18 5. As of April 18, 2016, nothing was returned to the Board by the U. S. Postal Service.  
19 USPS Tracking confirms that on or about March 28, 2016, a notice was left with no authorized  
20 recipient available at Respondent's address of record. As of April 18, 2016, nothing was returned  
21 to the Board by the U. S. Postal Service for documents served to 203 Coggins Dr. Apt. A217,  
22 Pleasant Hill, CA 94523. USPS Tracking confirms that on or about March 29, 2016, the  
23 documents were undeliverable as addressed. As of April 18, 2016, nothing was returned to the  
24 Board by the U. S. Postal Service for documents served to 203 Coggins Dr. Apt. A209, Pleasant  
25 Hill, CA 94523. USPS Tracking confirms that on or about March 28, 2016, the documents were  
26 undeliverable as addressed. The address on the documents was the same as the address on file  
27 with the Board. Respondent failed to maintain an updated address with the Board and the Board  
28 has made attempts to serve the Respondent at the address on file and other known addresses

1 retrieved from LexisNexis. Respondent has not made herself available for service and therefore,  
2 has not availed herself of her right to file a notice of defense and appear at hearing.

3 6. Business and Professions Code section 2764 states:

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

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

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

13 8. Respondent failed to file a Notice of Defense within 15 days after service of the  
14 Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation No.  
15 2016-937.

16 9. California Government Code section 11520 states, in pertinent part:

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

20 10. Pursuant to its authority under Government Code section 11520, the Board after  
21 having reviewed the proofs of service dated March 23, 2016, signed by Christian Espiritu, finds  
22 Respondent is in default. The Board will take action without further hearing and, based on  
23 Accusation No. 2016-937 and the documents contained in Default Decision Investigatory  
24 Evidence Packet in this matter which includes:

25 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation Case No. 2016-  
26 937, Statement to Respondent, Notice of Defense (two blank copies),  
27 Request for Discovery and Discovery Statutes (Government Code sections  
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

11507.5, 11507.6 and 11507.7), proofs of service and USPS Tracking Forms;

- Exhibit 2: License History Certification for Michelle Flores Bella, Registered Nurse License No. 830469;
- Exhibit 3: Affidavit of Lisa Lopez (BRN Investigator);
- Exhibit 4: Affidavit of Ruby Wilson (Expert Witness);
- Exhibit 5: Proof of alternate addresses retrieved from LexisNexis.

The Board finds that the charges and allegations in Accusation No. 2016-937 are separately and severally true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Michelle Flores Bella has subjected her following license(s) to discipline:
  - a. Registered Nurse License No. 830469
  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) - Unprofessional Conduct.
    - b. Violation of Business and Professions Code section 2761(a)(1) - Unprofessional Conduct, Gross Negligence/Incompetence.

//  
//  
//

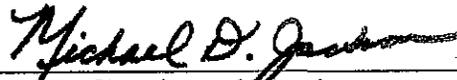
**ORDER**

IT IS SO ORDERED that Registered Nurse License No. 830469, heretofore issued to Respondent Michelle Flores Bella, 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 July 28, 2016.

It is so ORDERED June 28, 2016.



Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Attachment:

Exhibit A: Accusation No. 2016-937

# Exhibit A

Accusation No. 2016-937

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JUDITH J. LOACH  
Deputy Attorney General  
4 State Bar No. 162030  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5604  
6 Facsimile: (415) 703-5480  
E-mail: Judith.Loach@doj.ca.gov  
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. 2016-937

12 **MICHELLE FLORES BELLA**  
13 **1080 Via Saint Lucia Place**  
**Henderson, NV 89011**

**ACCUSATION**

14 **Registered Nurse License No. 830469**

15 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 October 3, 2012, the Board of Registered Nursing issued Registered  
23 Nurse License Number 830469 to Michelle Flores Bella (Respondent). The Registered Nurse  
24 License expired on April 30, 2014, and has not been renewed.

25 JURISDICTION

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



1 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
2 sciences in applying the nursing process, as follows:

3 "(1) Formulates a nursing diagnosis through observation of the client's physical condition  
4 and behavior, and through interpretation of information obtained from the client and others,  
5 including the health team.

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

9 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
10 treatment to the client and family and teaches the client and family how to care for the client's  
11 health needs.

12 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
13 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
14 effectively supervises nursing care being given by subordinates.

15 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
16 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
17 communication with the client and health team members, and modifies the plan as needed.

18 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve  
19 health care or to change decisions or activities which are against the interests or wishes of the  
20 client, and by giving the client the opportunity to make informed decisions about health care  
21 before it is provided."

#### 22 COST RECOVERY

23 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
24 administrative law judge to direct a licentiate found to have committed a violation or violations of  
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
27 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
28 included in a stipulated settlement.

1 STATEMENT OF FACTS

2 11. In December 2013, Respondent was employed as a Call Center registered nurse with  
3 Kaiser Permanente in Vallejo, California.

4 12. On December 13, 2013, Patient 1, an 81 year-old female was seen by her primary  
5 care provider complaining of weakness and lack of appetite. Her physician ordered multiple  
6 blood tests including a serum sodium which was collected at 11:43 a.m., on December 13, 2013.

7 13. Patient 1's blood sodium level measured 166 mEq/L on December 13, 2013.<sup>1</sup>

8 14. At approximately 7:56 p.m., on December 13, 2013, Respondent received a call from  
9 the Kaiser Lab and accepted the report of the abnormal blood sodium level ("critical lab value")  
10 on Patient 1. Respondent wrote the critical lab value down on a "scrap of paper" and passed it to  
11 another nurse to handle.

12 15. Respondent did not chart the critical lab value in Patient 1's medical record.  
13 Respondent did not consult with an available Critical Care Physician and/or any nursing  
14 supervisor regarding the abnormal laboratory result and/or plan of care.<sup>2</sup>

15 16. Patient 1 was notified of the critical lab value on December 17, 2013, and advised to  
16 go to the Kaiser's Emergency Department. Her serum sodium level measured of 191 mEq/L on  
17 admission.

18 FIRST CAUSE FOR DISCIPLINE

19 (Gross Negligence/Incompetence – Failure to Appropriately Act on Report of Critical Lab Value)

20 17. Respondent's license is subject to discipline for gross negligence and/or  
21 incompetence pursuant to Code section 2761, subdivision (a)(1), in that upon receipt of a critical  
22 lab value on Patient 1, she failed to consult with a Kaiser physician and/or take appropriate  
23 action to address the abnormal test result. The facts in support of this cause for discipline are set

24 \_\_\_\_\_  
25 <sup>1</sup> A normal blood sodium level is 133 to 145 mEq/L. A high blood sodium level (known  
26 as hypernatremia) in the elderly can present with central nervous system symptoms of  
irritability, restlessness, and lethargy, secondary to a decreased water content in the brain cells.  
Severe hypernatremia can lead to seizures, coma and death.

27 <sup>2</sup> Kaiser's Advice Protocols required call center nurses to first contact a CCMD (Call  
28 Center MD) when the Lab called with critical lab values.

1 forth above in paragraphs 11 through 16.

2 SECOND CAUSE FOR DISCIPLINE

3 (Gross Negligence/Incompetence – Failure to Document Critical Lab Value)

4 18. Respondent's license is subject to discipline for gross negligence and/or  
5 incompetence pursuant to Code section 2761, subdivision (a)(1), in that she failed to document in  
6 Patient 1's medical record the critical lab value upon receiving a call from the Kaiser Lab. The  
7 facts in support of this cause for discipline are set forth above in paragraphs 11 through 16.

8 THIRD CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct )

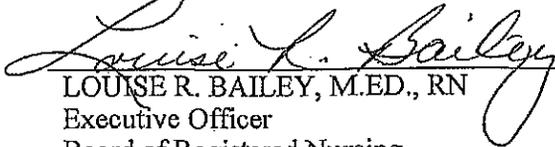
10 19. Respondent's license is subject to disciplinary action for unprofessional conduct  
11 pursuant to Code section 2761, subdivision (a), in that she failed to follow Kaiser's protocols in  
12 that she did not consult with a Kaiser physician and/or document in Patient 1's medical record the  
13 critical lab value upon receiving a call from the Kaiser Lab. The facts in support of this cause for  
14 discipline are set forth above in paragraphs 11 through 16.

15 PRAYER

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

- 18 1. Revoking or suspending Registered Nurse License Number 830469, issued to  
19 Michelle Flores Bella;
- 20 2. Ordering Michelle Flores Bella to pay the Board of Registered Nursing the reasonable  
21 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
22 Code section 125.3; and
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: March 23, 2016

  
25 LOUISE R. BAILEY, M.ED., RN  
26 Executive Officer  
27 Board of Registered Nursing  
28 Department of Consumer Affairs  
State of California  
Complainant