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

In the Matter of the Accusation Against:
LYN MARYE KNIGHT
25800 Industrial Blvd. #2247
Hayward, CA 94545
Registered Nurse License No. 722473

RESPONDENT

Case No. 2017-499
DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 17, 2017, Complainant Joseph L. Morris, PhD, MSN, RN, in his official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2017-499 against Lyn Marye Knight (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)
2. On or about March 10, 2008, the Board of Registered Nursing (Board) issued Registered Nurse License No. 722473 to Respondent. The Registered Nurse License expired on July 4, 2016, and has not been renewed.
3. On or about January 17, 2017, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2017-499, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136

1 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and
2 maintained with the Board, was and is:

3 25800 Industrial Blvd. #2247

4 Hayward, CA 94545.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
7 124.

8 5. As of February 14, 2017, nothing was returned to the Board by the U. S. Postal
9 Service. USPS Tracking confirms that on or about January 20, 2017, the item was forwarded
10 from Hayward, CA and on or about February 3, 2017, it was available for pickup at the San
11 Lorenzo, CA 94580 post office. The address on the documents was the same as the address on file
12 with the Board. Respondent failed to maintain an updated address with the Board and the Board
13 has made attempts to serve the Respondent at the address on file. Respondent has not made
14 herself available for service and therefore, has not availed herself of her right to file a notice of
15 defense and appear at hearing.

16 6. Business and Professions Code section 2764 states:

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

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

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

26 8. Respondent failed to file a Notice of Defense within 15 days after service of the
27 Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation No.
28 2017-499.

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

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

5 10. Pursuant to its authority under Government Code section 11520, the Board after
6 having reviewed the proof of service dated January 17, 2017, signed by Tram Hoang, finds
7 Respondent is in default. The Board will take action without further hearing and, based on
8 Accusation No. 2017-499 and the documents contained in Default Decision Investigatory
9 Evidence Packet in this matter which includes:

10 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation Case No. 2017-
11 499, Statement to Respondent, Notice of Defense (two blank copies),
12 Request for Discovery and Discovery Statutes (Government Code sections
13 11507.5, 11507.6 and 11507.7), proof of service and USPS Tracking
14 Form;

15 Exhibit 2: License History Certification for Lyn Marye Knight, Registered Nurse
16 License No. 722473;

17 Exhibit 3: Affidavit of Lorraine K. Clarke (Intervention Program Analyst).

18 The Board finds that the charges and allegations in Accusation No. 2017-499 are separately and
19 severally true and correct by clear and convincing evidence.

20 DETERMINATION OF ISSUES

21 1. Based on the foregoing findings of fact, Respondent Lyn Marye Knight has subjected
22 her following license(s) to discipline:

23 a. Registered Nurse License No. 722473

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

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

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- a. Violation of Business and Professions Code section 2761(a) - Unprofessional Conduct.
- b. Violation of Business and Professions Code section 2762(a) - Obtaining or possessing controlled substances without a prescription.
- c. Violation of Business and Professions Code section 2762(b) - Use of controlled substance or alcohol to an extent or in a manner dangerous or injurious to oneself and others.

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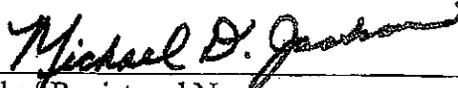
ORDER

IT IS SO ORDERED that Registered Nurse License No. 722473, heretofore issued to Respondent Lyn Marye Knight, 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 June 01, 2017.

It is so ORDERED May 02, 2017.



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2017-499

Exhibit A

Accusation No. 2017-499

1 KATHLEEN A. KENEALY
Acting Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHEILA J. VASANTHARAM
Deputy Attorney General
4 State Bar No. 289217
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 879-1006
Facsimile: (510) 622-2270
7 E-mail: Sheila.Vasantharam@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2017-499

12 **LYN MARYE KNIGHT**
13 **25800 Industrial Blvd. #2247**
14 **Hayward, CA 94545**

ACCUSATION

15 **Registered Nurse License No. 722473**

16 Respondent.

17 Complainant alleges:

18
19 **PARTIES**

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

23 2. On or about March 10, 2008, the Board of Registered Nursing issued Registered
24 Nurse License Number 722473 to Lyn Marye Knight (Respondent). The Registered Nurse
25 License expired on July 4, 2016, and has not been renewed.

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1 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
2 defined in Section 4022.

3 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
4 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
5 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
6 himself or herself, any other person, or the public or to the extent that such use impairs his or her
7 ability to conduct with safety to the public the practice authorized by his or her license."

8 9. Section 2770.11 states:

9 "(a) Each registered nurse who requests participation in an intervention program shall agree
10 to cooperate with the rehabilitation program designed by the committee and approved by the
11 program manager. Any failure to comply with a rehabilitation program may result in termination
12 of the registered nurse's participation in a program. The name and license number of a registered
13 nurse who is terminated for any reason, other than successful completion, shall be reported to the
14 board's enforcement program.

15 "(b) If the program manager determines that a registered nurse, who is denied admission
16 into the program or terminated from the program, presents a threat to the public or his or her own
17 health and safety, the program manager shall report the name and license number, along with a
18 copy of all intervention program records for that registered nurse, to the board's enforcement
19 program. The board may use any of the records it receives under this subdivision in any
20 disciplinary proceeding."

21 **CONTROLLED SUBSTANCES AND DANGEROUS DRUGS**

22 10. Code section 4021 states:

23 "'Controlled substance' means any substance listed in Chapter 2 (commencing with Section
24 11053) of Division 10 of the Health and Safety Code."

25 11. Code section 4022 provides:

26 "'Dangerous drug' or 'dangerous device' means any drug or device unsafe for self-use in
27 humans or animals, and includes the following:
28

1 continue in the Diversion Program. Respondent was deemed to be a public safety risk because
2 she had a history of diverting medications and there was a strong possibility she would return to
3 the workplace.

4 **FIRST CAUSE FOR DISCIPLINE**

5 (Unlawful Possession and Self-Administration of Controlled Substances or Dangerous Drugs)
6 (Bus. & Prof. Code, §§ 2761, subd. (a), 2762, subd. (a))

7 17. Respondent has subjected her registered nurse license to discipline in that she
8 unlawfully possessed and self-administered controlled substances or dangerous drugs, or both.
9 (Bus. & Prof. Code, §§ 2761, subd. (a), 2762, subd. (a).) The circumstances are set forth in
10 paragraphs 14 through 16, above.

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Use of Controlled Substances or Dangerous Drugs in Dangerous or Injurious Manner)
13 (Bus. & Prof. Code, §§ 2761, subd. (a), 2762, subd. (b))

14 18. Respondent has subjected her registered nurse license to discipline in that she used
15 controlled substances or dangerous drugs, or both, in a dangerous or injurious manner. (Bus. &
16 Prof. Code, §§ 2761, subd. (a), 2762, subd. (b).) The circumstances are set forth in paragraphs 14
17 through 16, above.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
20 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 722473, issued to Lyn
22 Marye Knight;

23 2. Ordering Lyn Marye Knight to pay the Board of Registered Nursing the reasonable
24 costs of the investigation and enforcement of this case, pursuant to Business and Professions
25 Code section 125.3; and,

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

DATED: January 17, 2017 

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

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