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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:

**DEBRA LYNN NEWKIRK, AKA DEBRA
LARSEN, AKA DEBRA STRANGE, AKA
DEBRA MILES**
55535 Santa Fe Trail
Yucca Valley, CA 92248
Vocational Nurse License No. VN 180494

Respondent.

Case No. VN-2013-3859

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 16, 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. VN-2013-3859 against Debra Lynn Newkirk, aka Debra Larsen, aka Debra Strange, aka Debra Miles (Respondent) before the Board of Vocational Nursing and Psychiatric Technicians. (Accusation attached as Exhibit A.)
2. On or about April 11, 1997, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 180494 to Respondent. The

1 Vocational Nurse License was in full force and effect at all times relevant to the charges brought
2 in Accusation No. VN-2013-3859 and will expire on May 31, 2017, unless renewed.

3 3. On or about May 24, 2016, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. VN-2013-3859, Statement to Respondent, Notice of Defense,
5 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
6 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
7 Code section 136, is required to be reported and maintained with the Board. Respondent's
8 address of record was and is:

9 55535 Santa Fe Trail
10 Yucca Valley, CA 92248.

11 4. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
13 124.

14 5. On or about June 13, 2016, a Certified Mail receipt was returned by the U.S. Postal
15 Service signed by Eric L. (Respondent's brother).

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

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

22 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
23 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. VN-
24 2013-3859.

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

26 (a) If the respondent either fails to file a notice of defense . . . or to appear at
27 the hearing, the agency may take action based upon the respondent's express
28 admissions or upon other evidence and affidavits may be used as evidence without
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. VN-2013-3859,
4 finds that the charges and allegations in Accusation No. VN-2013-3859, 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 \$2,390.00 as of August 17, 2016.

9 DETERMINATION OF ISSUES

10 1. Based on the foregoing findings of fact, Respondent has subjected her Vocational
11 Nurse License No. VN 180494 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, pursuant to Business and Professions Code section 2878,
18 subdivision (a).

19 b. Failure to maintain professional boundaries with the patient/client, pursuant to
20 Business and Professions Code section 2878, subdivision (a), in conjunction with California Code
21 of Regulations, title 16, section 2518.6, subdivision (b)(3).

22 ORDER

23 IT IS SO ORDERED that Vocational Nurse License No. VN 180494, heretofore issued to
24 Respondent is revoked.

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

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This Decision shall become effective on NOV 20 2016
It is so ORDERED OCT 21 2016



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

52199909.DOC
DOJ Matter ID:LA2015604436

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(DEBRA LYNN NEWKIRK, AKA DEBRA LARSEN, AKA DEBRA STRANGE, AKA DEBRA MILES)

1 KAMALA D. HARRIS
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2 MARCO D. GREENBAUM
Supervising Deputy Attorney General
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Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

Case No. VN-2013-3859

11 **DEBRA LYNN NEWKIRK, AKA DEBRA**
12 **LARSEN, AKA DEBRA STRANGE, AKA**
13 **DEBRA MILES**
55535 Santa Fe Trail
14 Yucca Valley, CA 92248

ACCUSATION

15 Vocational Nurse License No. VN 180494

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kameka 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 April 11, 1997, the Board of Vocational Nursing and Psychiatric
24 Technicians issued Vocational Nurse License Number VN 180494 to Debra Lynn Newkirk, aka
25 Debra Larsen, aka Debra Strange, aka Debra Miles (Respondent). The Vocational Nurse License
26 was in full force and effect at all times relevant to the charges brought herein and will expire on
27 May 31, 2017, unless renewed.
28

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(DEBRA LYNN NEWKIRK, AKA DEBRA LARSEN, AKA DEBRA STRANGE, AKA DEBRA MILES)
ACCUSATION

1 COSTS

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 FACTUAL SUMMARY

7 9. On or about February 14, 2014, while working as a school aid for a student at Toro
8 Canyon Middle School in Thermal, California, Respondent pulled down her pants and urinated in
9 a diaper in the school quad area. The circumstances were as follows:

10 10. At approximately 1520 hours, on February 14, 2014, while acting as an aid for a
11 student in a wheelchair, Respondent entered the girls' bathroom at the school with her student. At
12 that time, both available stalls in the girls' bathroom were occupied. As Respondent needed to
13 urinate, she grabbed a "Pull Up" diaper from the cart in the bathroom, pulled down her pants and
14 inserted the diaper between her legs exposing herself to students and staff in the girls' bathroom.

15 11. Respondent then left the girls' bathroom, with her student and proceeded to the school
16 quad where she squatted down and urinated in her diaper. She then took off her diaper in full
17 view of the student she was assisting and threw the diaper away.

18 FIRST CAUSE FOR DISCIPLINE

19 (Unprofessional Conduct)

20 12. Respondent is subject to discipline under Code section 2878(a), on the grounds of
21 unprofessional conduct, in that on or about February 14, 2014 at approximately 1520 hours, while
22 working as an aid for a student in a wheelchair at Toro Canyon Middle School in Thermal,
23 California, Respondent demonstrated unprofessional conduct as more fully described in
24 paragraphs 9-11 above and incorporated herein.

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