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

10 In the Matter of the Accusation Against:

11 **KATHLEEN ANNE REYNOLDS**
12 **aka KATHLEEN REYNOLDS**
13 **3701 Colonial Drive, #169**
14 **Modesto, CA 95356**

15 **Registered Nurse License No. 283274**

16 **RESPONDENT**

Case No. 2017-216

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

17 FINDINGS OF FACT

18 1. On or about December 30, 2016, Complainant Joseph L. Morris, PhD, MSN, RN, in
19 his official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs, filed Accusation No. 2017-216 against Kathleen Anne Reynolds, aka Kathleen
21 Reynolds (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit
22 A.)

23 2. On or about August 31, 1977, the Board of Registered Nursing (Board) issued
24 Registered Nurse License No. 283274 to Respondent. The Registered Nurse License expired on
25 September 30, 2015, and has not been renewed.

26 3. On or about December 30, 2016, Respondent was served by Certified and First Class
27 Mail copies of the Accusation No. 2017-216, Statement to Respondent, Notice of Defense,
28 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 3701 Colonial Drive, #169
4 Modesto, CA 95356.

5 On or about December 30, 2016, Respondent was also served by Certified and First-Class
6 Mail copies of the Accusation No. 2017-216, Statement to Respondent, Notice of Defense,
7 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to
8 Respondent's alternate address retrieved from LexisNexis as follows:

9 PO Box 3170
10 Modesto, CA 95353.

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 January 25, 2017, the aforementioned documents sent through the U.S.
15 Postal Service to Respondent 's address of record were returned bearing the indicia "Return to
16 Sender, Not Deliverable as Addressed, Unable to Forward." On or about January 20, 2017, the
17 Certified Mail documents sent through the U.S. Postal Service to Respondent's alternate address
18 were returned bearing the indicia, "Unable to Forward." The address on the documents was the
19 same as the address on file with the Board. Respondent failed to maintain an updated address with
20 the Board and the Board has made attempts to serve the Respondent at the address on file and
21 another known address retrieved from LexisNexis. Respondent has not made herself available for
22 service and therefore, has not availed herself of her right to file a notice of defense and appear at
23 hearing.

24 6. Business and Professions Code section 2764 states:

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

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

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

6 8. Respondent failed to file a Notice of Defense within 15 days after service of the
7 Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation No.
8 2017-216.

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

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

13 10. Pursuant to its authority under Government Code section 11520, the Board after
14 having reviewed the proofs of service dated December 30, 2016, signed by Kami Pratab, and the
15 returned envelopes, finds Respondent is in default. The Board will take action without further
16 hearing and, based on Accusation No. 2017-216 and the documents contained in Default Decision
17 Investigatory Evidence Packet in this matter which includes:

18 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation Case No. 2017-
19 216, Statement to Respondent, Notice of Defense (two blank copies),
20 Request for Discovery and Discovery Statutes (Government Code sections
21 11507.5, 11507.6 and 11507.7), proofs of service and copy of returned
22 mail envelopes;

23 Exhibit 2: License History Certification for Kathleen Anne Reynolds, aka Kathleen
24 Reynolds, Registered Nurse License No. 283274;

25 Exhibit 3: Petition and Order Compelling Mental and/or Physical Examination;

26 Exhibit 4: Affidavit of Richard Ware (Discipline Case Analyst);

27 Exhibit 5: Proof of alternate address retrieved from LexisNexis:
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The Board finds that the charges and allegations in Accusation No. 2017-216 are separately and severally true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Kathleen Anne Reynolds, aka Kathleen Reynolds has subjected her following license(s) to discipline:

a. Registered Nurse License No. 283274

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 821 - The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 283274, heretofore issued to Respondent Kathleen Anne Reynolds, aka Kathleen Reynolds, 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 April 28, 2017.

It is so ORDERED March 29, 2017.

Michael D. Jackson

Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2017-216

Exhibit A

Accusation No. 2017-216

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-5524
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 2017-216

13 **KATHLEEN ANNE REYNOLDS,**
14 **aka KATHLEEN REYNOLDS**
3701 Colonial Drive, #169
15 Modesto, CA 95356

A C C U S A T I O N

16 Registered Nurse License No. 283274

17 Respondent.

18 Complainant alleges:

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 August 31, 1977, the Board of Registered Nursing issued Registered
24 Nurse License Number 283274 to Kathleen Anne Reynolds aka Kathleen Reynolds (Respondent).
25 The Registered Nurse License expired on September 30, 2015, and has not been renewed.
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JURISDICTION

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

STATUTORY PROVISIONS

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

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

6. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

7. Section 821 of the Code provides that the licentiate's failure to comply with an order issued under section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate of license.

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the 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.

3 **STATEMENT OF FACTS**

4 9. On or about September 26, 2016, Joseph L. Morris, Phd, MSN, RN in his official
5 capacity as the Executive Officer filed a Petition and Order to Compel the Psychiatric Evaluation
6 of Kathleen Anne Reynolds aka Kathleen Reynolds, Respondent.

7 10. The Order states in pertinent part; "That Respondent Kathleen Anne Reynolds, also
8 known as Kathleen Reynolds, shall submit to a mental and physical examination conducted by a
9 physician specializing in psychiatry or a psychologist selected by the Board, or its designee, to
10 determine whether Respondent is mentally and/or physically ill to such an extent as to affect her
11 ability to practice as a registered nurse safely; and that the examination of Respondent shall be
12 conducted at a time that is mutually convenient to Respondent and the examiner selected by the
13 Board, but in no case later than thirty (30) days after the service of this Order"

14 11. On or about October 24, 2016, Respondent was served by Certified and First Class
15 Mail a copy of the Petition to Compel Psychiatric Evaluation and Order in Case No. 2017-216 at
16 her address of record. Respondent did not comply with the order.

17 **CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with an Order to Compel Psychiatric Examination.)**

19 12. Respondent is subject to disciplinary action under section 821 in that she has failed to
20 comply with the Board's Order to compel psychiatric examination which was issued on
21 September 26, 2016 in that she has failed to schedule and appear for an evaluation as required.

22 **PRAYER**

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

25 1. Revoking or suspending Registered Nurse License Number 283274, issued to
26 Kathleen Anne Reynolds aka Kathleen Reynolds

27
28

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

In the Matter of the Petition of:)	
)	
KATHLEEN ANNE REYNOLDS)	OAH No. N 1998110366
)	
For Reinstatement,)	
)	
Petitioner)	
<hr/>		

DECISION

The Board of Registered Nursing, Department of Consumer Affairs, State of California, heard this matter on December 3, 1998, at Oakland, California. Stewart A. Judson, Administrative Law Judge, State of California, Office of Administrative Hearings, presided.

Hannah Wiss Hirsch, Deputy Attorney General, represented the California State Attorney General.

Darrell F. Champion, Esq., Champion & Walker, represented the petitioner.

FACTUAL FINDINGS

1. The Board of Registered Nursing (the Board) issued Registered Nurse license No. H 283274 to Kathleen Anne Reynolds (petitioner) on August 31, 1977.
2. The Executive Officer of the Board filed a Petition dated February 17, 1989, under Business and Professions Code section 820 seeking to compel petitioner to undergo a psychiatric examination. On March 15, 1989, the president of the Board executed an Order directing petitioner to submit to an examination to determine whether petitioner was mentally ill to such extent as to affect her ability to practice registered nursing safely.

3. Accusation No. 90-48, dated November 6, 1989, was filed against petitioner alleging cause for disciplinary action under Business and Professions Code sections 821 and 822 in that petitioner did not comply with the Board's Order that she submit to an examination and, further, that she had been diagnosed in the past as a schizophrenic, paranoid type, chronic, suffering from hallucinations and persecutory delusions. The accusation alleged that petitioner was unable to practice with safety to the public.

4. Following a hearing on the merits in February 1991, the Board found cause for discipline under Business and Professions Code section 822 and ordered petitioner's license revoked effective June 28, 1991. The Board found, *inter alia*, that petitioner "... has a genetic loading for affective disorder." The Board cited the opinion of Albert Globus, M.D., who performed a complete psychiatric evaluation of petitioner, that "... petitioner should not be working as a registered nurse at this time, but with supportive psychotherapy she may be able to resume her profession in the future."

5. In September 1992, petitioner filed a petition for reinstatement of her license stating she was in remission of manic depression disease. Following a hearing on the merits, the Board denied the petition concluding that petitioner had not established she was rehabilitated to the extent required.

6. Petitioner filed the subject petition with the Board on September 23, 1998.

7. Petitioner filed a letter from John J. Jacisin, M.D., F.A.P.A. and a Fellow, American Psychiatric Association, who has been her treating psychiatrist since January 5, 1998. He notes that petitioner is taking Lithium, Buspar and Risperdal for treatment of Bipolar Disorder and generalized Anxiety Disorder. Based upon indirect feedback from another psychiatric colleague, she appeared to be functioning quite well. In his opinion, petitioner "... does not appear to be a danger to herself or others." He urges reinstatement.

8. A letter from petitioner's direct supervisor at the Stanislaus County Department of Mental Health since August 1974, where petitioner has been employed as an Employment Specialist working with individuals with a psychiatric disability who are trying to reenter the work force, noted that petitioner rarely requires supervision "... on the same thing twice." The supervisor observes that petitioner "... has demonstrated the ability to handle stressful situations and the judgment to make the kinds of decisions at that [R.N.] level."

9. Petitioner's annual performance evaluation for the year ending August 4, 1998, shows a rating of "satisfactory." One of the areas rated is "Stability Under Pressure." The rater notes that petitioner is "... very good at monitoring her stress level and checks with the supervisor on an ongoing basis utilizing the time to reflect on the issues that are creating stress for her."

10. A preoperative history and physical examination performed by Peter Gaines, M.D., Stanislaus County Health Services Agency, indicates the following assessment of petitioner:

1. Healthy 41-year-old white female.
2. History of manic depression, currently stable.
3. History of meningitis.

Dr. Gaines observed that petitioner "... appears to be well-controlled and healthy at this time."

11. A letter from Elizabeth Swearingen, Ph.D., a clinical psychologist who has been treating petitioner since February 1998 for her anxiety related to her duties at work, notes "... she has worked hard to identify the causes of her anxiety and has developed good coping techniques to deal with these." Dr. Swearingen opines that petitioner has successfully used these techniques and has learned to identify future problems and plans to cope with them. She believes petitioner is capable of returning to the nursing profession and use good judgment in her practice. Petitioner will continue to see Dr. Swearingen.

12. Additional letters from two colleagues at the county, one a psychiatrist and one a registered nurse who have observed petitioner perform her duties, urge her return to the profession.

13. Petitioner provided one continuing education certificate showing completion on July 3, 1998, of 30 contract hours of "Priorities in Critical Care Nursing, 2nd Edition," offered by Anderson Continuing Education.

14. Petitioner has not been engaged in the practice of registered nursing for the past eleven years. She does not believe that her current prescribed medications will impair her judgment.

15. The standard of proof is clear and convincing evidence (Business and Professions Code section 2760.1(b)).

16. Petitioner has demonstrated sufficient evidence of rehabilitation showing she can return to the practice of registered nursing, under conditions, with safety to the public.

LEGAL CONCLUSIONS

1. Petitioner urges she has recovered sufficiently from the condition that resulted in her discipline to return to the practice of registered nursing. Having satisfied

the provisions of Business and Professions Code section 822, she urges she should not be put to the task of demonstrating that her nursing skills, which were never questioned, meet required qualifications.

2. In concluding that petitioner has shown she can return to the profession safely because her mental impairment is under control, the Board also is mindful of its responsibility to assure that petitioner's nursing skills and knowledge are current to protect the public's safety. The Board notes that petitioner has been away from registered nursing for 11 years. Under the circumstances, the Board is prepared to grant petitioner's desire to return to nursing providing she can also show that her time away from the profession has not adversely impacted her skills and knowledge. The Board considers that the conditions of probation set forth below will help assure that her return to the nursing profession will be with safety to the public.

3. Cause for granting the petition with certain conditions exists under Business and Professions Code section 2760.1.

ORDER

The petition of Kathleen Anne Reynolds for reinstatement is granted. A license shall be issued to petitioner. Said license shall be revoked immediately, the order of revocation stayed and petitioner placed on probation for three years on the following terms and conditions:

1. Petitioner shall obey all federal, state and local laws, and all rules and regulations of the Board of Registered Nursing governing the practice of nursing in California. Petitioner shall report a full and detailed account of any and all violations of law to the Board, in writing, within 72 hours of occurrence. To permit monitoring of compliance with this term, petitioner shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of this decision unless such have been submitted previously as part of the licensure application process.
2. Petitioner shall comply fully with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of petitioner's compliance with the Program. Petitioner shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board including during any period of suspension.

3. Petitioner, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.
4. Periods of residency or practice outside of California will not apply to the reduction of this probationary term. Petitioner must provide written notice to the Board within 15 days of any change of residency or practice outside the state.
5. Petitioner, during the period of probation, shall submit such written reports/declarations and verification of actions under penalty of perjury as are required. These declarations shall contain statements relative to petitioner's compliance with all the terms and conditions of the Board's Probation Program. Petitioner shall immediately execute all release of information forms as may be required by the Board or its representatives.
6. Petitioner, during the period of probation, shall engage in the practice of professional nursing in California for a minimum of 24 hours per week (or as determined by the Board) for 6 consecutive months. Per Business and Professions Code section 2732, no person shall engage in the practice of registered nursing without holding a license that is in active status.
7. The Board shall be informed of and approve of each agency for which petitioner provides nursing services prior to petitioner's commencement of work. Petitioner shall inform her employer of the reason for and the terms and conditions of probation and shall provide a copy of the Board's decision and order to her employer and immediate supervisor. Petitioner is also required to notify the Board, in writing, within 72 hours after termination of any nursing employment. Any notification of termination shall contain a full explanation of the circumstances surrounding it.
8. The Board shall be informed of and approve of the level of supervision provided to petitioner while she is functioning as a registered nurse. The appropriate level of supervision must be approved by the Board prior to commencement of work. Petitioner shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board.

9. Petitioner may not work for a nurse registry, temporary nurse agency, home care agency, in-house nursing pool, as a nursing supervisor, as a faculty member in an approved school of nursing, or as an instructor in a Board-approved continuing education program. Petitioner must work only on regularly assigned, identified and predetermined worksite(s) with appropriate supervision as approved by the Board.
10. Petitioner, at her expense, shall begin and successfully complete a refresher course or equivalent set of courses as approved by representatives of the Board.

Successful completion of said course(s) shall be a condition precedent to petitioner's engaging in the practice of registered nursing. The content of such course(s) and the place and conditions of instruction shall be specified by Board representatives at the time of the initial probation meeting. Specific courses must be approved prior to enrollment. Petitioner must submit written proof of enrollment and proof of successful completion. Transcripts or certificates of completion must be mailed directly to the Board by the agency or entity instructing petitioner.

Petitioner shall satisfactorily complete this condition within one year from the effective date of this decision. During this time, petitioner may use her license only for the limited purpose of completing clinical requirements of the required course work. Upon successful completion of this condition, petitioner may engage in the practice of registered nursing.

11. Petitioner, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.
12. If petitioner violates the conditions of her probation, the Board, after giving petitioner notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline of petitioner's license.

If, during the period of probation, an accusation or petition to revoke probation has been filed against petitioner's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against petitioner's license, the probationary period shall be extended automatically and shall not expire

until said accusation or petition to revoke probation has been acted upon by the Board. Upon successful completion of probation, petitioner's license shall be fully restored.

This decision will be effective on March 10, 1999.

DATED: February 8, 1999


MARY JO GORNEY MORENO, Ph.D., R.N.
President

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

In the Matter of the Accusation)
Against:) No. 90-48
)
KATHLEEN ANNE REYNOLDS) OAH No. N-34912
aka KATHLEEN ANNE BRAWLEY)
6201 Sunset Boulevard, Suite 178)
Hollywood, CA 90028)
)
License No. H 283274,)
)
Respondent.)

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs as its Decision in the above-entitled matter.

This Decision shall become effective on June 28, 1991
~~May 17, 1991~~

IT IS SO ORDERED April 16, 1991

/s/ Joyce Boone, R.N.
President

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

In the Matter of the Accusation)	
Against:)	No. 90-48
)	
KATHLEEN ANNE REYNOLDS)	OAH No. N-34912
aka KATHLEEN ANNE BRAWLEY)	
6201 Sunset Boulevard, Suite 178)	
Hollywood, CA 90028)	
)	
License No. H 283274,)	
)	
Respondent.)	

PROPOSED DECISION

On February 8, 1991, in Sacramento, California, Keith A. Levy, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Jana L. Tuton, Deputy Attorney General, represented complainant.

Respondent did not make an appearance and was not otherwise represented.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

Complainant, Catherine M. Puri, R.N., Ph.D., made and filed the Accusation in her official capacity as Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, and not otherwise.

II

On August 31, 1977, the Board issued registered nurse license number H 283274 to respondent. The license is in full force and effect at all times pertinent herein.

1

III

Respondent has been on mental disability for six years and she is seen every three months by Doctor Charles Edwards, a psychiatrist who works for Stanislaus Mental Health. She takes lithium carbonate 300 mg three times a day. Her diagnosis, given by Doctor Edwards, is schizophrenia, paranoid type, chronic. She has suffered from symptoms of auditory hallucinations and persecutory delusions. Her course of treatment has been characterized by unreliable compliance with treatment. Her treatment has comprised of neuroleptic medication, placement in a board and care residence, and supportive psychotherapy. At the request of the Board she was given a complete psychiatric evaluation on November 19, 1990, by Albert Globus, M.D. The diagnosis he gave the respondent is as follows:

Axis I, Clinical Syndromes: Bipolar Disorder Mixed (DSM-III-R 296.65), in partial remission.

Axis II, Personality Disorders and Specific Developmental Disorders: Histrionic Personality Disorder (DSM-III-R 301.50), with paranoid and narcissistic traits.

IV

Respondent is currently a student at Modesto Junior College. She was living in a board-and-care facility but is currently living with a couple and their children who attend her church. Respondent is an intelligent and talented individual but a very difficult early life led to a psychotic decompensation. In addition, she has genetic loading for affective disorder. Doctor Globus believes that her illness has been stress related and that there is no evidence of thought disorder. He does not agree with the original diagnosis of schizophrenia. He believes lithium may prevent reoccurrence of her symptoms and believes that it is essential that she receives supportive psychotherapy and an absolute minimum of one-half hour every two weeks, and preferably one hour per week of supportive and eventually insight-oriented psychotherapy. Doctor Globus concludes that respondent should not be working as a registered nurse at this time, but with supportive psychotherapy she may be able to resume her profession in the future.

DETERMINATION OF ISSUES

I.

Cause for discipline of respondent's license for violation of Business and Professions Code section 822 was established by Finding III.

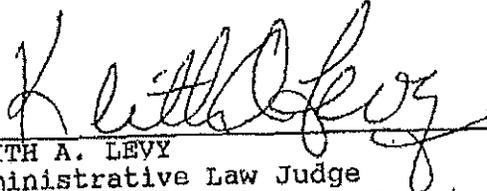
II

Allegation number 5 in the Accusation was dismissed at the hearing.

ORDER

License No. H 283274 issued to respondent Kathleen Anne Reynolds, aka Kathleen Anne Brawley, is revoked.

Dated: February 26, 1991



KEITH A. LEVY
Administrative Law Judge
Office of Administrative Hearings

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 JANA L. TUTON
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Telephone: (916) 324-5342

5 Attorneys for Complainant
6
7

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

11 In the Matter of the Accusation) NO. 90-48
Against:)
12 KATHLEEN ANNE REYNOLDS) ACCUSATION
13 aka KATHLEEN ANNE BRAWLEY)
14 6201 Sunset Boulevard, Suite 178)
Hollywood, CA 90028)
15 License No. H 283274,)
Respondent.)
16

17 Catherine M. Puri, R.N., Ph.D., for causes for
18 discipline, alleges:
19

20 1. Complainant Catherine M. Puri, R.N., Ph.D., makes
21 and files this accusation in her official capacity as Executive
22 Officer, Board of Registered Nursing, Department of Consumer
23 Affairs.
24

25 2. On August 31, 1977, the Board of Registered Nursing
26 issued registered nurse license number H 283274 to Kathleen Anne
27 Reynolds, also known as Kathleen Anne Brawley. The license was

1 in full force and effect at all times pertinent herein and has
2 been renewed through September 30, 1989.

3
4 3. Under Business and Professions Code section 2750,
5 the Board of Registered Nursing may discipline any licensee,
6 including a licensee holding a temporary or an inactive license,
7 for any reason provided in Article 3 of the Nursing Practice Act.

8 Under Business and Professions Code section 822, the
9 Board of Registered Nursing may discipline any licensee if her
10 ability to practice her profession safely is impaired because the
11 licentiate is mentally or physically ill, affecting competency.

12
13 4. Respondent has subjected her license to discipline
14 under Business and Professions Code section 822 in that she has
15 been a patient at Stanislaus County Department of Mental Health
16 since 1983 and has received treatment at the outpatient clinic
17 since December 1986. Respondent has been diagnosed as a
18 schizophrenic, paranoid type, chronic, and suffers from symptoms
19 of auditory hallucinations and persecutory delusions. Respondent
20 is unable to conduct with safety to the public the practice
21 authorized by her license due to mental illness.

22
23 5. Respondent has subjected her license to discipline
24 under Business and Professions Code section 821 in that she
25 failed to comply with an order issued on March 15, 1989, to be
26 examined by a physician and surgeon specializing in psychiatry or
27 by a psychologist pursuant to section 820 of that code.

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WHEREFORE, complainant prays that a hearing be held and that the Board of Registered Nursing make its order:

1. Revoking or suspending registered nurse license number H 283274, issued to Kathleen Anne Reynolds, aka Kathleen Anne Brawley.

2. Taking such other and further action as may be deemed proper and appropriate.

DATED: 11/6/89

Catherine M. Puri
CATHERINE M. PURI, R.N., Ph.D.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

03579110-
SA89AD0157