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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:

HOANG MAI THI VU
335 El Cajon Drive
San Jose, CA 95111
Vocational Nurse License No. VN 240745

Respondent.

Case No. 4302017000090

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 19, 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. 4302017000090 against Hoang Mai Thi Vu (Respondent) before the Board of Vocational Nursing and Psychiatric Technicians. (Accusation attached as Exhibit A.)

2. On or about March 10, 2009, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 240745 to Respondent. The Vocational Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 4302017000090 and expired on April 30, 2014.

///

1 3. On or about December 28, 2016, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 4302017000090, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
5 Code section 136, is required to be reported and maintained with the Board. Respondent's
6 address of record was and is: 335 El Cajon Drive, San Jose, CA 95111.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. On or about January 25, 2017, the aforementioned documents were returned by the
11 U.S. Postal Service marked "Return to Sender – Unable to Forward."

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

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

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No.
20 4302017000090.

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

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

26 9. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 4302017000090,

1 finds that the charges and allegations in Accusation No. 4302017000090, are separately and
2 severally, found to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$962.50 as of February 2, 2017.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Hoang Mai Thi Vu has subjected
8 her Vocational Nurse License No. VN 240745 to discipline.

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

10 3. The Board of Vocational Nursing and Psychiatric Technicians is authorized to revoke
11 Respondent's Vocational Nurse License based upon the following violations alleged in the
12 Accusation which are supported by the evidence contained in the Default Decision Evidence
13 Packet in this case.:

14 a. Business and Professions Code section 2878.8 (discipline by another state agency).

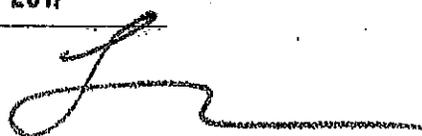
15 ORDER

16 IT IS SO ORDERED that Vocational Nurse License No. VN 240745, issued to Respondent
17 Hoang Mai Thi Vu, is revoked.

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

22 This Decision shall become effective on MAY 03 2017

23 It is so ORDERED MAR 02 2017

24 

25 _____
26 FOR THE BOARD OF VOCATIONAL
27 NURSING AND PSYCHIATRIC TECHNICIANS
28 DEPARTMENT OF CONSUMER AFFAIRS

Exhibit A

Accusation

(HOANG MAI THI VU)

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Supervising Deputy Attorney General
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7 E-mail: kim.settles@doj.ca.gov
Attorneys for Complainant
8

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

11 In the Matter of the Accusation Against:

Case No. VN-4302017000090

12 **HOANG MAI THI VU**
13 335 El Cajon Drive
San Jose, CA 95111

A C C U S A T I O N

14 Vocational Nurse License No. VN 240745

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

19 1. Kamaka Brown, PhD, MBA, NP (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians, Department of Consumer Affairs.

22 2. On or about March 10, 2009, the Board of Vocational Nursing and Psychiatric
23 Technicians issued Vocational Nurse License Number VN 240745 to Hoang Mai Thi Vu
24 (Respondent). The Vocational Nurse License expired on April 30, 2014.

25 **JURISDICTION**

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

1 Respondent's registered nurse license was revoked, the revocation was stayed, and Respondent's
2 license was placed on probation for three years, with standards terms and conditions.

3 9. The circumstances of the disciplinary action before the Board of Registered Nursing
4 are as follows:

5 On or about April, 2014, Respondent was employed as a registered nurse administrator, with
6 the responsibility to oversee the operation of Elwyn Chablis, a residential adult community care
7 facility for adults with developmental disabilities, in Livermore, California. On or about April 11,
8 2014, Patient 1 was discharged from Valley Care Health System with discharge orders that
9 included a physician's order for a .75 mg Scopolamine patch every 72 hours. The pharmacy
10 provided a 1.5 Scopolamine patch. Respondent spoke to the discharge nurse and was instructed
11 to "fold the patch in half." A 1.5 Scopolamine patch was administered to Patient 1 on April 12
12 and 13, 2014. On April 12, 2015, Patient 1's physician faxed an order to administer a .75
13 Scopolamine patch to Patient 1, "when available." On April 18, 2014, Patient 1 was admitted to
14 Valley Care Health System for uncontrolled seizures. On April 25, 2014, a registered nurse
15 overheard that Patient 1 had been given an incorrect dose of Scopolamine and so informed
16 Respondent. Respondent admitted that she told everyone to fold the 1.5 mg Scopolamine patch in
17 half and administer it to Patient 1. Respondent failed to ensure that the Scopolamine was safely
18 administered to Patient 1. Respondent was charged with gross negligence and incompetence in
19 violation of Business and Professions Code section 2761, subdivision (a).

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
22 Accusation and that following the hearing, the Board of Vocational Nursing and Psychiatric
23 Technicians issue a decision:

24 1. Revoking or suspending Vocational Nurse License Number VN 240745, issued to
25 Hoang Mai Thi Vu;

26 2. Ordering Hoang Mai Thi Vu to pay the Board of Vocational Nursing and Psychiatric
27 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to
28 Business and Professions Code section 125.3;

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

DATED:

12/14/16



KAMEKA BROWN, PHD, MBA, NP
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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