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COMMONWEALTH of VIRGINIA

VA BD OF NURSING

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

April 3, 2017

Amy Nicole Richbourg, R.N.
1979 Hornblend Street
San Diego, CA 92109

RE: License Number: 0001-220821
Case Number: 179243

Dear Ms. Richbourg:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your license to practice professional nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered March 31, 2017. You are hereby advised that you may not practice professional nursing or hold yourself out as a licensed professional nurse unless and until the Board of Nursing has notified you in writing that your license has been reinstated. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

You may apply to the Board for reinstatement of your license, and you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. The reinstatement of your license shall require the affirmative vote of three-fourths of the members of the Board present at the hearing. The reinstatement application can be found at www.dhp.virginia.gov/Nursing.

If you have any questions about this matter, you can contact me at (804) 367-4474 or anne.joseph@dhp.virginia.gov.

Sincerely,

Anne Joseph, Deputy Director
Administrative Proceedings Division

cc: Jay P. Douglas, Executive Director, Board of Nursing
Enclosures

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: AMY NICOLE RICHBOURG, R.N.
License Number: 0001-220821
Case Number: 179243

ORDER OF MANDATORY SUSPENSION

In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the California Board of Registered Nursing accepted the surrender by Amy Nicole Richbourg, R.N., of her license to practice as a registered nurse in the State of California. A certified copy of the Decision and Order is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Amy Nicole Richbourg, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Amy Nicole Richbourg, R.N., will be recorded as suspended and no longer current and valid. Should Amy Nicole Richbourg, R.N., seek reinstatement of her license pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Ms. Richbourg's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.




David E. Brown, D.C., Director
Virginia Department of Health Professions

ENTERED:

3/31/17

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Decision and Order entered March 1, 2017, regarding Amy Nicole Richbourg, R.N., is a true copy of the records received from the California Board of Registered Nursing.



David E. Brown, D.C.

Date: 3/31/17

I hereby certify the foregoing to be a true copy of the documents on file in our office.

BOARD OF REGISTERED NURSING

Joseph L. Morris, PhD, MSN, RN
Executive Officer



BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

AMY NICOLE RICHBOURG

Registered Nurse License No. 95056675

Respondent.

Case No. 2014-1124

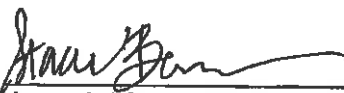
OAH No. 2016100463

DECISION AND ORDER

Pursuant to Title 16 of the California Code of Regulations, section 1403, the attached Stipulated Settlement is hereby adopted by the Board of Registered Nursing as its Decision and Order in the above-entitled matter.

This Decision shall become effective on March 01, 2017

IT IS SO ORDERED this 1st day of March, 2017

for 

Joseph Morris, PhD, MSN, RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 XAVIER BECERRA
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DIANE DE KERVOR
Deputy Attorney General
4 State Bar No. 174721
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9415
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Petition to Revoke
12 Probation Against:

13 **AMY NICOLE RICHBOURG**
1979 Hornblend Street
14 San Diego, CA 92109

15 **Registered Nurse License No. 95056675**

16 Respondent.

Case No. 2014-1124

OAH No. 2016100463

STIPULATED SURRENDER OF
LICENSE AND ORDER

17
18 1. Joseph L. Morris, PhD, MSN, RN (Complainant) is the Executive Officer of the
19 Board of Registered Nursing (Board). He brought this action solely in his official capacity and is
20 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
21 Diane De Kervor, Deputy Attorney General.

22 2. Amy Nicole Richbourg (Respondent) is represented in this proceeding by attorney
23 Kerry L. Armstrong, whose address is 1501 5th Avenue, Suite 200, San Diego, CA 92101.

24 3. On or about March 13, 2015, the Board issued Registered Nurse License No.
25 95056675 to Amy Nicole Richbourg (Respondent). The Registered Nurse License was in full
26 force and effect at all times relevant to the charges brought in Petition to Revoke Probation No.
27 2014-1124 and will expire on July 31, 2016, unless renewed.

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CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 95056675, issued to Respondent Amy Nicole Richbourg, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent.

///

1 This stipulation constitutes a record of the discipline and shall become a part of
2 Respondent's license history with the Board of Registered Nursing.

3 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
4 of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in Petition
11 to Revoke Probation No. 2014-1124 shall be deemed to be true, correct and admitted by
12 Respondent when the Board determines whether to grant or deny the petition.

13 5. Respondent shall not apply for licensure or petition for reinstatement for three (3)
14 years from the effective date of the Board's Decision and Order.

15 ACCEPTANCE

16 I have carefully read the above Stipulated Surrender of License and Order and have fully
17 discussed it with my attorney, Kerry L. Armstrong. I understand the stipulation and the effect it
18 will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and
19 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
20 of the Board of Registered Nursing.

21
22 DATED: Feb 08 2017


23 AMY NICOLE RICHBOURG
Respondent

24 I have read and fully discussed with Respondent Amy Nicole Richbourg the terms and
25 conditions and other matters contained in this Stipulated Surrender of License and Order. I
26 approve its form and content.

27 DATED: 02.08.2017


28 KERRY L. ARMSTRONG
Attorney for Respondent

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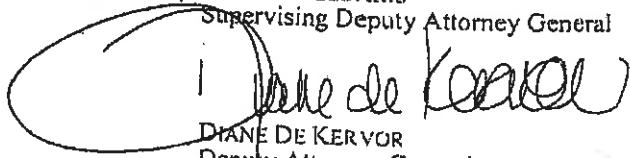
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 2/8/2017

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General



DIANE DE KERVOR
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Petition to Revoke Probation No. 2014-1124

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2617
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Petition to Revoke
12 Probation Against,

Case No. 2014-1124

13 **AMY NICOLE RICHBOURG**
1979 Hornblend Street
14 San Diego, CA 92109

PETITION TO REVOKE PROBATION

15 Registered Nurse License No. 95056675

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Petition to Revoke Probation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about March 13, 2015, the Board of Registered Nursing issued Registered
24 Nurse License Number 95056675 to Amy Nicole Richbourg (Respondent). The Registered Nurse
25 License was in effect at all times relevant to the charges brought herein and will expire on July
26 31, 2016, unless renewed.

27 3. In a disciplinary action entitled *In the Matter of Statement of Issues Against Amy*
28 *Nicole Richbourg*, Case No. 2014-1124, the Board of Registered Nursing issued a decision,

1 effective March 13, 2015, in which a Registered Nurse License was issued to Respondent, and
2 then immediately revoked. However, the revocation was stayed and Respondent's Registered
3 Nurse License was placed on probation for a period of three (3) years with certain terms and
4 conditions.¹ A copy of that decision is attached as Exhibit A and is incorporated by reference.

5 JURISDICTION

6 4. This Petition to Revoke Probation is brought before the Board of Registered Nursing
7 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
8 references are to the Business and Professions Code (Code) unless otherwise indicated.

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

12 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
13 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
14 licensee or to render a decision imposing discipline on the license.

15 7. Probation Term and Condition Number 11 of the Decision and Order states:

16 If Respondent violates the conditions of his probation, the Board after giving
17 Respondent notice and an opportunity to be heard, may set aside the stay order and
impose the stayed revocation of Respondent's license.

18 If during the period of probation, an accusation or petition to revoke probation
19 has been filed against Respondent's license or the Attorney General's Office has been
20 requested to prepare an accusation or petition to revoke probation against
Respondent's license, the probationary period shall automatically be extended and
shall not expire until the accusation or petition has been acted upon by the Board.

21 FIRST CAUSE TO REVOKE PROBATION

22 (Comply with the Board's Probation Program)

23 8. At all times after the effective date of Respondent's probation, Condition 2 stated:

24 Respondent shall fully comply with the conditions of the Probation Program
25 established by the Board and cooperate with representatives of the Board in its
26 monitoring and investigation of the Respondent's compliance with the Board's
Probation Program. Respondent shall inform the Board in writing within no more

27 ¹ Respondent's probation was tolled beginning March 13, 2015. Respondent's probation
28 term commenced on November 4, 2015 when she returned to California.

1 than 15 days of any address change and shall at all times maintain an active, current
2 license status with the Board, including during any period of suspension.

3 Upon successful completion of probation, Respondent's license shall be fully
4 restored.

5 9. Respondent's probation is subject to revocation because she failed to comply with
6 Probation Condition 2, in that she was non-compliant with the terms and conditions of the
7 probation program as described in paragraphs 10-14, below.

8 SECOND CAUSE TO REVOKE PROBATION

9 (Abstain from Use of Psychotropic (Mood-Altering) Drugs)

10 10. At all times after the effective date of Respondent's probation, Condition 15 stated:

11 Respondent shall completely abstain from the possession, injection or
12 consumption by any route of all controlled substances and all psychotropic (mood
13 altering) drugs, including alcohol, except when the same are ordered by a health care
14 professional legally authorized to do so as part of documented medical treatment.
15 Respondent shall have sent to the Board, in writing and within fourteen (14) days, by
16 the prescribing health professional, a report identifying the medication, dosage, the
17 date the medication was prescribed, the Respondent's prognosis, the date the
18 medication will no longer be required, and the effect on the recovery plan, if
19 appropriate.

20 Respondent shall identify for the Board a single physician, nurse practitioner or
21 physician assistant who shall be aware of Respondent's history of substance abuse
22 and will coordinate and monitor any prescriptions for Respondent for dangerous
23 drugs, controlled substances or mood-altering drugs. The coordinating physician,
24 nurse practitioner, or physician assistant shall report to the Board on a quarterly basis
25 Respondent's compliance with this condition. If any substances considered addictive
26 have been prescribed, the report shall identify a program for the time limited use of
27 any such substances.

28 The Board may require the single coordinating physician, nurse practitioner, or
physician assistant to be a specialist in addictive medicine, or to consult with a
specialist in addictive medicine.

11. Respondent's probation is subject to revocation because she failed to comply with
Probation Condition 15, referenced above. The facts and circumstances regarding this violation
are as follows:

12. On January 30, 2016, Respondent submitted a urine specimen that was forwarded to
the Board-approved testing facility, FirstLab, for analysis. On February 4, 2016, the specimen
tested positive for Ethyl Sulfate (EtS) and Ethyl Glucoronide (EtG), metabolites of ethanol. The
Medical Review Officer (MRO) stated that the EtS and EtG were at levels that indicated alcohol

1 ingestion, but were low enough that alcohol-containing medications may be one of the possible
2 causes for the positive result. The MRO recommended a PEth test.² The results of a PEth test
3 would be negative if alcohol-containing medications were the only alcohol ingestion. Respondent
4 disputed the positive results.

5 13. On February 9, 2016, Respondent submitted a blood sample that was subjected to a
6 PEth test. The results were positive for phosphatidylethanol.

7 14. In a letter to Respondent dated February 16, 2016, Respondent was directed by the
8 Board to cease practice and not resume until notified by the Board.

9 **PRAYER**

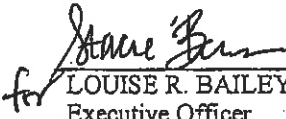
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking the probation that was granted by the Board of Registered Nursing in Case
13 No. 2014-1124 and imposing the disciplinary order that was stayed thereby revoking Registered
14 Nurse License No. 95056675 issued to Amy Nicole Richbourg;

15 2. Revoking or suspending Registered Nurse License No. 95056675, issued to Amy
16 Nicole Richbourg;

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

18 DATED: March 7, 2016

19 
20 LOUISE R. BAILEY, M.ED., RN
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

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28 ² The formation of PEth [phosphatidylethanol] is specifically dependent on ethanol. The diagnostic specificity of PEth as an alcohol biomarker is theoretically 100%. The half-life of PEth in blood is approximately 4 days. The amount of alcohol consumed correlates to blood concentration of PEth and PEth has been shown to be a more sensitive indicator of alcohol consumption than traditional alcohol markers. (Isaksson, et al. *Phosphatidylethanol in blood (B-PEth): a marker for alcohol use and abuse*. Drug Test Anal. 2011 Apr; 3(4):195-200. doi: 10.1002/dta.278. Epub 2011 Mar 25.)

Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2014-1124

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

In the Matter of the Statement of Issues Against:

Case No. 2014-1124

AMY NICOLE RICHBOURG

Registered Nurse License Applicant

Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order 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 March 13, 2015.

IT IS SO ORDERED February 13, 2015.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
AMANDA DODDS
4 Senior Legal Analyst
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2141
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 2014-1124

13 **AMY NICOLE RICHBOURG**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Registered Nurse License Applicant**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board
21 of Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Amanda Dodds,
23 Senior Legal Analyst.

24 2. Respondent Amy Nicole Richbourg ("Respondent") is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about August 10, 2013, Respondent filed an electronic application with the
27 Board of Registered Nursing to obtain a Registered Nurse License by endorsement, followed by a
28 paper application received on September 4, 2013.

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JURISDICTION

4. Statement of Issues No. 2014-1124 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on March 18, 2014. A copy of Statement of Issues No. 2014-1124 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 2014-1124. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2014-1124.

9. Respondent agrees that her Registered Nurse License application is subject to denial and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of

1 Registered Nursing may communicate directly with the Board regarding this stipulation and
2 settlement, without notice to or participation by Respondent. By signing the stipulation,
3 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
4 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
5 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
6 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
7 between the parties, and the Board shall not be disqualified from further action by having
8 considered this matter.

9 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
10 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
11 signatures thereto, shall have the same force and effect as the originals.

12 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
13 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
14 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
15 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
16 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
17 writing executed by an authorized representative of each of the parties.

18 13. In consideration of the foregoing admissions and stipulations, the parties agree that
19 the Board may, without further notice or formal proceeding, issue and enter the following
20 Disciplinary Order:

21 DISCIPLINARY ORDER

22 IT IS HEREBY ORDERED that the application of Respondent Amy Nicole Richbourg for
23 licensure is hereby granted and a license shall be issued to Respondent upon successful
24 completion of all licensing requirements. Said license shall immediately be revoked, the order of
25 revocation stayed and Respondent placed on probation for a period of three (3) years on the
26 following conditions:

27 **Severability Clause.** Each condition of probation contained herein is a separate and
28 distinct condition. If any condition of this Order, or any application thereof, is declared

1 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
2 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
3 and enforceable to the fullest extent permitted by law.

4 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
5 detailed account of any and all violations of law shall be reported by Respondent to the Board in
6 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
7 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
8 45 days of the effective date of the decision, unless previously submitted as part of the licensure
9 application process.

10 **Criminal Court Orders:** If Respondent is under criminal court orders, including
11 probation or parole, and the order is violated, this shall be deemed a violation of these probation
12 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

13 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with
14 the conditions of the Probation Program established by the Board and cooperate with
15 representatives of the Board in its monitoring and investigation of the Respondent's compliance
16 with the Board's Probation Program. Respondent shall inform the Board in writing within no
17 more than 15 days of any address change and shall at all times maintain an active, current license
18 status with the Board, including during any period of suspension.

19 Upon successful completion of probation, Respondent's license shall be fully restored.

20 3. **Report in Person.** Respondent, during the period of probation, shall appear in
21 person at interviews/meetings as directed by the Board or its designated representatives.

22 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
23 practice as a registered nurse outside of California shall not apply toward a reduction of this
24 probation time period. Respondent's probation is tolled, if and when she resides outside of
25 California. Respondent must provide written notice to the Board within 15 days of any change of
26 residency or practice outside the state, and within 30 days prior to re-establishing residency or
27 returning to practice in this state.

28 ///

1 Respondent shall provide a list of all states and territories where she has ever been licensed
2 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
3 information regarding the status of each license and any changes in such license status during the
4 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
5 license during the term of probation.

6 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
7 or cause to be submitted such written reports/declarations and verification of actions under
8 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
9 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
10 Respondent shall immediately execute all release of information forms as may be required by the
11 Board or its representatives.

12 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
13 state and territory in which she has a registered nurse license.

14 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
15 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
16 6 consecutive months or as determined by the Board.

17 For purposes of compliance with the section, "engage in the practice of registered nursing"
18 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
19 non-direct patient care position that requires licensure as a registered nurse.

20 The Board may require that advanced practice nurses engage in advanced practice nursing
21 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

22 If Respondent has not complied with this condition during the probationary term, and
23 Respondent has presented sufficient documentation of her good faith efforts to comply with this
24 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
25 extension of Respondent's probation period up to one year without further hearing in order to
26 comply with this condition. During the one-year extension, all original conditions of probation
27 shall apply.

28 ///

1 7. **Employment Approval and Reporting Requirements.** Respondent shall obtain
2 prior approval from the Board before commencing or continuing any employment, paid or
3 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
4 performance evaluations and other employment related reports as a registered nurse upon request
5 of the Board.

6 Respondent shall provide a copy of this Decision to her employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

8 In addition to the above, Respondent shall notify the Board in writing within seventy-two
9 (72) hours after she obtains any nursing or other health care related employment. Respondent
10 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
11 separated, regardless of cause, from any nursing, or other health care related employment with a
12 full explanation of the circumstances surrounding the termination or separation.

13 8. **Supervision.** Respondent shall obtain prior approval from the Board regarding
14 Respondent's level of supervision and/or collaboration before commencing or continuing any
15 employment as a registered nurse, or education and training that includes patient care.

16 Respondent shall practice only under the direct supervision of a registered nurse in good
17 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
18 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
19 approved.

20 Respondent's level of supervision and/or collaboration may include, but is not limited to the
21 following:

22 (a) **Maximum** - The individual providing supervision and/or collaboration is present in
23 the patient care area or in any other work setting at all times.

24 (b) **Moderate** - The individual providing supervision and/or collaboration is in the patient
25 care unit or in any other work setting at least half the hours Respondent works.

26 (c) **Minimum** - The individual providing supervision and/or collaboration has person-to-
27 person communication with Respondent at least twice during each shift worked.

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1 (d) Home Health Care - If Respondent is approved to work in the home health care
2 setting, the individual providing supervision and/or collaboration shall have person-to-person
3 communication with Respondent as required by the Board each work day. Respondent shall
4 maintain telephone or other telecommunication contact with the individual providing supervision
5 and/or collaboration as required by the Board during each work day. The individual providing
6 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
7 patients' homes visited by Respondent with or without Respondent present.

8 9. Employment Limitations. Respondent shall not work for a nurse's registry, in any
9 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
10 or for an in-house nursing pool.

11 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
12 registered nursing supervision and other protections for home visits have been approved by the
13 Board. Respondent shall not work in any other registered nursing occupation where home visits
14 are required.

15 Respondent shall not work in any health care setting as a supervisor of registered nurses.
16 The Board may additionally restrict Respondent from supervising licensed vocational nurses
17 and/or unlicensed assistive personnel on a case-by-case basis.

18 Respondent shall not work as a faculty member in an approved school of nursing or as an
19 instructor in a Board approved continuing education program.

20 Respondent shall work only on a regularly assigned, identified and predetermined
21 worksite(s) and shall not work in a float capacity.

22 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
23 request documentation to determine whether there should be restrictions on the hours of work.

24 10. Complete a Nursing Course(s). Respondent, at her own expense, shall enroll and
25 successfully complete a course(s) relevant to the practice of registered nursing no later than six
26 months prior to the end of her probationary term.

27 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
28 Respondent shall submit to the Board the original transcripts or certificates of completion for the

1 above required course(s). The Board shall return the original documents to Respondent after
2 photocopying them for its records.

3 11. **Violation of Probation.** If Respondent violates the conditions of her probation, the
4 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
5 and impose the stayed revocation of Respondent's license.

6 If during the period of probation, an accusation or petition to revoke probation has been
7 filed against Respondent's license or the Attorney General's Office has been requested to prepare
8 an accusation or petition to revoke probation against Respondent's license, the probationary
9 period shall automatically be extended and shall not expire until the accusation or petition has
10 been acted upon by the Board.

11 12. **License Surrender.** During Respondent's term of probation, if she ceases practicing
12 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
13 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
14 Respondent's request and to exercise its discretion whether to grant the request, or to take any
15 other action deemed appropriate and reasonable under the circumstances, without further hearing.
16 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
17 subject to the conditions of probation.

18 Surrender of Respondent's license shall be considered a disciplinary action and shall
19 become a part of Respondent's license history with the Board. A registered nurse whose license
20 has been surrendered may petition the Board for reinstatement no sooner than the following
21 minimum periods from the effective date of the disciplinary decision:

22 (1) Two years for reinstatement of a license that was surrendered for any reason other
23 than a mental or physical illness; or

24 (2) One year for a license surrendered for a mental or physical illness.

25 13. **Physical Examination.** Within 45 days of the effective date of this Decision,
26 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
27 assistant, who is approved by the Board before the assessment is performed, submit an
28 assessment of the Respondent's physical condition and capability to perform the duties of a

1 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
2 medically determined, a recommended treatment program will be instituted and followed by the
3 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
4 to the Board on forms provided by the Board.

5 If Respondent is determined to be unable to practice safely as a registered nurse, the
6 licensed physician, nurse practitioner, or physician assistant making this determination shall
7 immediately notify the Board and Respondent by telephone, and the Board shall request that the
8 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
9 immediately cease practice and shall not resume practice until notified by the Board. During this
10 period of suspension, Respondent shall not engage in any practice for which a license issued by
11 the Board is required until the Board has notified Respondent that a medical determination
12 permits Respondent to resume practice. This period of suspension will not apply to the reduction
13 of this probationary time period.

14 If Respondent fails to have the above assessment submitted to the Board within the 45-day
15 requirement, Respondent shall immediately cease practice and shall not resume practice until
16 notified by the Board. This period of suspension will not apply to the reduction of this
17 probationary time period. The Board may waive or postpone this suspension only if significant,
18 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
19 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
20 Only one such waiver or extension may be permitted.

21 **14. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**
22 Respondent, at her expense, shall successfully complete during the probationary period or shall
23 have successfully completed prior to commencement of probation a Board-approved
24 treatment/rehabilitation program of at least six months duration. As required, reports shall be
25 submitted by the program on forms provided by the Board. If Respondent has not completed a
26 Board-approved treatment/rehabilitation program prior to commencement of probation,
27 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.
28 If a program is not successfully completed within the first nine months of probation, the Board

1 shall consider Respondent in violation of probation.

2 Based on Board recommendation, each week Respondent shall be required to attend at least
3 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
4 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
5 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
6 added. Respondent shall submit dated and signed documentation confirming such attendance to
7 the Board during the entire period of probation. Respondent shall continue with the recovery plan
8 recommended by the treatment/rehabilitation program or a licensed mental health examiner
9 and/or other ongoing recovery groups.

10 15. Abstain from Use of Psychotropic (Mood-Altering) Drugs. Respondent shall
11 completely abstain from the possession, injection or consumption by any route of all controlled
12 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
13 are ordered by a health care professional legally authorized to do so as part of documented
14 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
15 days, by the prescribing health professional, a report identifying the medication, dosage, the date
16 the medication was prescribed, the Respondent's prognosis, the date the medication will no
17 longer be required, and the effect on the recovery plan, if appropriate.

18 Respondent shall identify for the Board a single physician, nurse practitioner or physician
19 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
20 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
21 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
22 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
23 considered addictive have been prescribed, the report shall identify a program for the time limited
24 use of any such substances.

25 The Board may require the single coordinating physician, nurse practitioner, or physician
26 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
27 medicine.

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1 16. **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
2 random, biological fluid testing or a drug-screening program which the Board approves. The
3 length of time and frequency will be subject to approval by the Board. Respondent is responsible
4 for keeping the Board informed of Respondent's current telephone number at all times.
5 Respondent shall also ensure that messages may be left at the telephone number when she is not
6 available and ensure that reports are submitted directly by the testing agency to the Board, as
7 directed. Any confirmed positive finding shall be reported immediately to the Board by the
8 program and Respondent shall be considered in violation of probation.

9 In addition, Respondent, at any time during the period of probation, shall fully cooperate
10 with the Board or any of its representatives, and shall, when requested, submit to such tests and
11 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
12 hypnotics, dangerous drugs, or other controlled substances.

13 If Respondent has a positive drug screen for any substance not legally authorized and not
14 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
15 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
16 practice pending the final decision on the petition to revoke probation or the accusation. This
17 period of suspension will not apply to the reduction of this probationary time period.

18 If Respondent fails to participate in a random, biological fluid testing or drug screening
19 program within the specified time frame, Respondent shall immediately cease practice and shall
20 not resume practice until notified by the Board. After taking into account documented evidence
21 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
22 suspend Respondent from practice pending the final decision on the petition to revoke probation
23 or the accusation. This period of suspension will not apply to the reduction of this probationary
24 time period.

25 17. **Mental Health Examination.** Respondent shall, within 45 days of the effective date
26 of this Decision, have a mental health examination including psychological testing as appropriate
27 to determine her capability to perform the duties of a registered nurse. The examination will be
28 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by

1 the Board. The examining mental health practitioner will submit a written report of that
2 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
3 Recommendations for treatment, therapy or counseling made as a result of the mental health
4 examination will be instituted and followed by Respondent.

5 If Respondent is determined to be unable to practice safely as a registered nurse, the
6 licensed mental health care practitioner making this determination shall immediately notify the
7 Board and Respondent by telephone, and the Board shall request that the Attorney General's
8 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
9 practice and may not resume practice until notified by the Board. During this period of
10 suspension, Respondent shall not engage in any practice for which a license issued by the Board
11 is required, until the Board has notified Respondent that a mental health determination permits
12 Respondent to resume practice. This period of suspension will not apply to the reduction of this
13 probationary time period.

14 If Respondent fails to have the above assessment submitted to the Board within the 45-day
15 requirement, Respondent shall immediately cease practice and shall not resume practice until
16 notified by the Board. This period of suspension will not apply to the reduction of this
17 probationary time period. The Board may waive or postpone this suspension only if significant,
18 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
19 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
20 Only one such waiver or extension may be permitted.

21 18. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in
22 an on-going counseling program until such time as the Board releases her from this requirement
23 and only upon the recommendation of the counselor. Written progress reports from the counselor
24 will be required at various intervals.

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ACCEPTANCE


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Mark Greany. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 09/03/2014


AMY NICOLE RICHBOURG
Respondent

I have read and fully discussed with Respondent Amy Nicole Richbourg the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 9-3-2014



MARK GREANY
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing.

Dated: 9.16.2014

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General


AMANDA DODDS
Senior Legal Analyst
Attorneys for Complainant

SD2014706613

Exhibit A

Statement of Issues No. 2014-1124

1 KAMALA D. HARRIS
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2 LINDA K. SCHNEIDER
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3 State Bar No. 101336
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Attorneys for Complainant

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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 2014-1124

13 **AMY NICOLE RICHBOURG**

STATEMENT OF ISSUES

14 **Registered Nurse License Applicant**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 10, 2013, the Board of Registered Nursing, Department of
23 Consumer Affairs received an electronic application for a Registered Nurse License by
24 endorsement from Amy Nicole Richbourg (Respondent). The Board of Registered Nursing
25 received Respondent's paper application on or about September 4, 2013. On or about September
26 3, 2013, Amy Nicole Richbourg certified under penalty of perjury to the truthfulness of all
27 statements, answers, and representations in the application. The Board denied the application on
28 December 30, 2013.

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JURISDICTION

3. This Statement of Issues 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 (Code) unless otherwise indicated.

4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

STATUTORY PROVISIONS

9. Section 475 of the Code states:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

6. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

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(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for the license.

7. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

8. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

....

9. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

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

7 (c) Be convicted of a criminal offense involving the prescription, consumption,
8 or self-administration of any of the substances described in subdivisions (a) and (b) of
9 this section, or the possession of, or falsification of a record pertaining to, the
10 substances described in subdivision (a) of this section, in which event the record of
11 the conviction is conclusive evidence thereof.

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13 10. Section 2765 of the Code states:

14 A plea or verdict of guilty or a conviction following a plea of nolo contendere
15 made to a charge substantially related to the qualifications, functions and duties of a
16 registered nurse is deemed to be a conviction within the meaning of this article. The
17 board may order the license or certificate suspended or revoked, or may decline to
18 issue a license or certificate, when the time for appeal has elapsed, or the judgment of
19 conviction has been affirmed on appeal or when an order granting probation is made
20 suspending the imposition of sentence, irrespective of a subsequent order under the
21 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
22 or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
23 guilty, or dismissing the accusation, information or indictment.

24 REGULATORY PROVISIONS

25 11. California Code of Regulations, title 16, section 1444 states:

26 A conviction or act shall be considered to be substantially related to the
27 qualifications, functions or duties of a registered nurse if to a substantial degree it
28 evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations
listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section
290 of the Penal Code.

12. California Code of Regulations, title 16, section 1445 states:

(a) When considering the denial of a license under Section 480 of the code,
the board, in evaluating the rehabilitation of the applicant and his/her present
eligibility for a license will consider the following criteria:

1 (1) The nature and severity of the act(s) or crime(s) under consideration as
2 grounds for denial.

3 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s)
4 under consideration as grounds for denial which also could be considered as grounds
5 for denial under Section 480 of the code.

6 (3) The time that has elapsed since commission of the act(s) or crime(s)
7 referred to in subdivision (1) or (2).

8 (4) The extent to which the applicant has complied with any terms of parole,
9 probation, restitution, or any other sanctions lawfully imposed against the applicant.

10 (5) Evidence, if any, of rehabilitation submitted by the applicant.

11 **FIRST CAUSE FOR DENIAL OF APPLICATION**

12 **(June 25, 2009 Criminal Conviction for DUI on March 3, 2009)**

13 13. Respondent's application is subject to denial under sections 480, subdivision (a)(1)
14 and 2761, subdivision (f) of the Code in that she was convicted of a crime that is substantially
15 related to the qualifications, duties, and functions of a registered nurse. The circumstances are as
16 follows:

17 a. On or about June 25, 2009, in a criminal proceeding entitled
18 *Commonwealth of Virginia v. Amy Nicole Richburg (sic)*, in Radford County General District
19 Court, case number 090591, Respondent was convicted of violating Code of Virginia § 18.2-266,
20 driving motor vehicle with a blood alcohol concentration (BAC) of 0.08 percent or more, a Class
21 1 misdemeanor. A Certificate of Analysis stated that the blood sample drawn from Respondent
22 at 1:53 a.m. on March 3, 2009 was analyzed with a BAC of .23 percent.

23 b. As a result of the conviction, on or about June 25, 2009, Respondent was
24 sentenced to serve 30 days in jail, with credit for five days, and 25 days suspended pending
25 successful completion of 12 months probation. Respondent's driver's license was suspended for
26 one year and she was required to use an ignition interlock device on her vehicle for six months.
27 Respondent was further ordered to complete the Virginia Alcohol Safety Action Program
28 (VASAP), and pay fees and fines in the amount of \$1,726.00.

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SECOND CAUSE FOR DENIAL OF APPLICATION

(Dangerous Use of Alcohol)

14. Respondent's application is subject to denial under sections 480, subdivision (a)(3)(A) of the Code for unprofessional conduct in that on or about March 3, 2009, Respondent used alcoholic beverages to an extent or in a manner that was dangerous and potentially injurious to herself and the public when she operated a motor vehicle while significantly impaired by alcohol, as detailed in paragraph 13 above, which would be a ground for discipline under section 2762, subdivision (b) of the Code for a licensed registered nurse.

THIRD CAUSE FOR DENIAL OF APPLICATION

(Alcohol-Related Conviction)

15. Respondent's application is subject to denial under sections 480, subdivision (a)(3)(A) of the Code for unprofessional conduct in that on or about June 25, 2009, Respondent was convicted of an alcohol-related offense, as detailed in paragraph 13, above, which would be a ground for discipline under section 2762, subdivision (c) of the Code for a licensed registered nurse.

PRAYER

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

1. Denying the application of Amy Nicole Richbourg for a Registered Nurse License;
2. Taking such other and further action as deemed necessary and proper.

DATED: MARCH 13, 2014

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2014706613