

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MELANIE JANE ZYGMONT SEPMOREE, R.N.
License Number: 0001-230118
Case Number: 179204

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Melanie Jane Zygmont Sepmoree, R.N., as evidenced by their signatures hereto, in lieu of proceeding to a formal administrative proceeding, enter into the following Consent Order affecting Ms. Sepmoree's license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Melanie Jane Zygmont Sepmoree, R.N., was issued License Number 0001-230118 to practice professional nursing on April 22, 2011, which is scheduled to expire on June 30, 2017. Her primary state of residence is Virginia.
2. By Order entered August 12, 2016, the Board reprimanded Ms. Sepmoree and required her to complete two NCSBN online courses. By letter dated September 15, 2016, the Board notified Ms. Sepmoree that she had complied with the terms and conditions placed on her license pursuant to the August 12, 2016 Order.
3. By Default Decision and Order dated January 30, 2017, effective March 1, 2017, the California Board of Registered Nursing revoked Ms. Sepmoree's license to practice as a registered nurse in the State of California, which had expired on July 31, 2012 but which was still subject to discipline under California law. The California Board's Order was based solely on the Order of the Virginia Board of Nursing entered August 12, 2016.

4. Pursuant to Virginia Code § 54.1-2409, by Order of the Virginia Department of Health Professions entered on May 16, 2017, Ms. Sepmoree's license to practice professional nursing in Virginia was suspended based on the revocation of her license in the State of California.

5. The matter of the reinstatement of Ms. Sepmoree's license to practice professional nursing in Virginia is properly before the Board.

CONSENT

Melanie Jane Zygmunt Sepmoree, R.N., by affixing her signature to this Consent Order, agrees to the following:

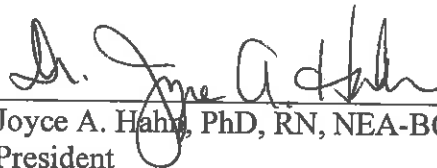
1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to Virginia Code § 54.1-2409 and the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to a formal administrative hearing before the Board; and the right to representation by counsel;
4. I waive my right to a formal hearing;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my licensure to practice professional nursing in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS that the license of Melanie Jane Zygmunt Sepmoree, R.N., to practice professional nursing in Virginia is REINSTATED without restriction.

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 and copying upon request.

FOR THE BOARD



Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President
Virginia Board of Nursing

ENTERED: May 16, 2017

SEEN AND AGREED TO:

Melanie Jane Zygmunt Sepmoree
Melanie Jane Zygmunt Sepmoree, R.N.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Suffolk, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this

25th day of April, 2017.



ENGLAND RASHAN BROWN
NOTARY PUBLIC 7724950
COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES MAY 31, 2021

England Rashan Brown
Notary Public

My commission expires:

May 31, 2021

Registration No.:

7724950

Certified True Copy

By *d. Graham*
Virginia Board Of Nursing

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: MELANIE JANE ZYGMONT SEPMOREE, R.N.
License Number: 0001-230118
Case Number: 179204

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 revoked the license of Melanie Jane Zygmont Sepmoree, R.N., to practice nursing in the State of California. A certified copy of the Default 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 Melanie Jane Zygmont Sepmoree, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Melanie Jane Zygmont Sepmoree, R.N., will be recorded as suspended and no longer current and valid. Should Melanie Jane Zygmont Sepmoree, 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. Sepmoree'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:

5/16/17


Certified True Copy,

By 

Virginia Board Of Nursing

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Default Decision and Order entered January 30, 2017, regarding Melanie Jane Zygmunt Sepmoree, R.N., is a true copy of the records received from the California Board of Registered Nursing.



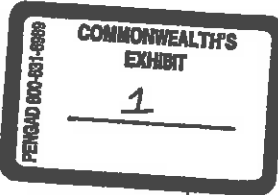
David E. Brown, D.C.

Date: 5/16/17

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



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

In the Matter of the Accusation Against:

MELANIE JANE SEPMOREE
P.O. Box 1633
Clearlake Oaks, CA 95423

Registered Nurse License No. 784500

RESPONDENT

Case No. 2017-374

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 23, 2016, Complainant Joseph L. Morris, PhD, MSN, RN, in his official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2017-374 against Melanie Jane Sepmoree (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about September 27, 2010, the Board of Registered Nursing (Board) issued Registered Nurse License No. 784500 to Respondent. The Registered Nurse License expired on July 31, 2012, and has not been renewed.

3. On or about November 23, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2017-374, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to

1 Respondent's address of record which, pursuant to Business and Professions Code section 136
2 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and
3 maintained with the Board, was and is:

4 P.O. Box 1633

5 Clearlake Oaks, CA 95423.

6 On or about November 23, 2016, Respondent was served by Certified and First Class Mail
7 copies of the Accusation No. 2017-374, Statement to Respondent, Notice of Defense, Request for
8 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's
9 alternate address retrieved from LexisNexis as follows:

10 38 Duke St

11 Windsor, VA 23487.

12 4. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

15 5. On or about December 8, 2016 and December 14, 2016, the First Class and Certified
16 Mail documents sent through the U.S. Postal Service to Respondent's address of record were
17 returned bearing the indicia "Return to Sender, No Mail Receptacle, Unable to Forward" and
18 Return to Sender, Attempted - Not Known, Unable to Forward." As of January 9, 2017, nothing
19 was returned to the Board by the U. S. Postal Service for documents served to Respondent's
20 alternate address. USPS Tracking confirms that on or about December 1, 2016, a notice was left
21 with no authorized recipient available and as of January 5, 2017, the documents were
22 "Unclaimed." The address on the documents was the same as the address on file with the Board.
23 Respondent failed to maintain an updated address with the Board and the Board has made
24 attempts to serve the Respondent at the address on file and another known address retrieved from
25 LexisNexis. Respondent has not made herself available for service and therefore, has not availed
26 herself of her right to file a notice of defense and appear at hearing.

27 6. Business and Professions Code section 2764 states:
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1 The lapsing or suspension of a license by operation of law or by order or decision of
2 the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive
3 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
4 against such license, or to render a decision suspending or revoking such license.

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

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

10 8. Respondent failed to file a Notice of Defense within 15 days after service of the
11 Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation No.
12 2017-374.

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

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

17 10. Pursuant to its authority under Government Code section 11520, the Board after
18 having reviewed the proofs of service dated November 23, 2016, signed by Tram Hoang, and the
19 returned envelopes, finds Respondent is in default. The Board will take action without further
20 hearing and, based on Accusation No. 2017-374 and the documents contained in Default Decision
21 Investigatory Evidence Packet in this matter which includes:

22 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation Case No. 2017-
23 374, Statement to Respondent, Notice of Defense (two blank copies),
24 Request for Discovery and Discovery Statutes (Government Code sections
25 11507.5, 11507.6 and 11507.7), proofs of service, copy of returned mail
26 envelopes and USPS Tracking Form;

27 Exhibit 2: License History Certification for Melanie Jane Sepmoree, Registered
28 Nurse License No. 784500;

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Exhibit 3: Out of State Discipline (Virginian State Board of Nursing);

Exhibit 4: Proof of alternate address retrieved from LexisNexis.

The Board finds that the charges and allegations in Accusation No. 2017-374 are separately and severally true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Melanie Jane Sepmoree has subjected her following license(s) to discipline:

a. Registered Nurse License No. 784500

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 2761(a)(4) - Disciplinary action by another State Board of Nursing.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 784500, heretofore issued to Respondent Melanie Jane Sepmoree, 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 March 01, 2017.

It is so ORDERED January 30, 2017.

Michael D. Jackson

Board of Registered Nursing
Department of Consumer Affairs,
State of California

Attachment:

Exhibit A: Accusation No. 2017-374

Exhibit A

Accusation No. 2017-374

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 CHAR SACHSON
Deputy Attorney General
4 State Bar No. 161032
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
6 Facsimile: (415) 703-5480
E-mail: Char.Sachson@doj.ca.gov
7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 **MELANIE JANE SEPMOREE**
13 **P.O. Box 1633**
Clearlake Oaks, CA 95423
14 **Registered Nurse License No. 784500**
15 **Respondent.**

Case No. **2017-374**
ACCUSATION

17 Complainant alleges:

18 **PARTIES**

- 19 1. Joseph L. Morris, PhD, MSN, RN (Complainant) brings this Accusation solely in his
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.
22 2. On or about September 27, 2010, the Board of Registered Nursing issued Registered
23 Nurse License Number 784500 to Melanie Jane Sepmoree (Respondent). The Registered Nurse
24 License expired on July 31, 2012, and has not been renewed.

25 **JURISDICTION**

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

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4. 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.

5. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. 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:

...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

7. 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 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

CAUSE FOR DISCIPLINE
(OUT OF STATE DISCIPLINE)

8. Respondent is subject to disciplinary action under section 2761(a)(4) in that on August 12, 2016, Respondent was reprimanded by the Virginia Board of Nursing for violating Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations


1 governing the Practice of Nursing in that she refused to stop recording her conversation with a
2 patient and refused to leave the patient's room when asked; and for violating Virginia Code §
3 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(e) of the Regulations governing the Practice
4 of Nursing in that she was dishonest on an application for employment when she stated that she
5 had left her previous job because it was under new management, when in fact, she was
6 terminated.

7 PRAYER

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

- 10 1. Revoking or suspending Registered Nurse License Number 784500, issued to Melanie
11 Jane Sepmoree;
 - 12 2. Ordering Melanie Jane Sepmoree to pay the Board of Registered Nursing the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
14 Professions Code section 125.3; and,
 - 15 3. Taking such other and further action as deemed necessary and proper.
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19 DATED: November 23, 2016

fr 
20 JOSEPH L. MORRIS, PHD, MSN, RN
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

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