

Certified True Copy

By [Signature]
Virginia Board of Nursing



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

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

RECEIVED
www.dhp.virginia.gov
TEL (804) 371-1400
FAX (804) 527-4475

JUL 14 2016

July 13, 2016

VA BD OF NURSING

Katherine Meidunas, R.N.
8279 Bryn Glen Way
San Diego, CA 92129

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 7/13/16

RE: License Number: 0001-233024
Case Number: 174661

Dear Ms. Meidunas:

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 July 13, 2016. You are hereby advised that you may not practice professional nursing or hold yourself out as a licensed professional nurse in Virginia unless and until the Virginia Board of Nursing has notified you in writing that your license has been restored. 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. You have the following rights, among others: to be represented by counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. 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.

Sincerely,

[Signature]

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

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

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: KATHERINE MEIDUNAS, R.N.
License Number: 0001-233024
Case Number: 174661

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 Katherine Meidunas, R.N., to practice registered nursing in the State of California. A certified copy of the Decision and Order of the California Board of Registered Nursing is attached to this Order and is marked as Commonwealth's Exhibit No. 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 Katherine Meidunas, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Katherine Meidunas, R.N., will be recorded as suspended and no longer current and valid. Should Ms. Meidunas 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. Meidunas' 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(G), 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.



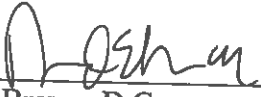
David E. Brown, D.C., Director
Virginia Department of Health Professions

ENTERED AND MAILED ON:

7/13/16

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 June 6, 2016, regarding Katherine Meidunas, R.N., is a true copy of the records received from the California Board of Registered Nursing.



David E. Brown, D.C.

Date: 7/13/16

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

BOARD OF REGISTERED NURSING

Louise R. Bailey, M. Ed., RN
Louise R. Bailey, M. Ed., RN
Executive Officer



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

In the Matter of the Statement of Issues Against:

**KATHERINE LYN MEIDUNAS
AKA KATHERINE ROUILLARD**

Registered Nurse License Applicant

Respondent.

Case No. 2016-582

OAH No. 2016010078

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 this matter.

This Decision shall become effective on July 06, 2016.

IT IS SO ORDERED June 06, 2016.

Michael D. Jackson, MSN, RN, CEN

Michael D. Jackson, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

PENGAD 800-851-6889

COMMONWEALTH'S
EXHIBIT

1

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 STEPHEN A. ARONIS
Deputy Attorney General
4 State Bar No. 204995
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2138
7 Facsimile: (619) 645-2581
8 *Attorneys for Complainant*

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

11
12 In the Matter of the Statement of Issues
Against:
13 **KATHERINE LYN MEIDUNAS, AKA**
14 **KATHERINE ROUILLARD**
15 **8279 Bryn Glen Way**
San Diego, CA 92129
16 **Registered Nurse License Applicant**
17 **Respondent.**

Case No. 2016-582
OAH No. 2016010078
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18
19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
21 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
22 which will be submitted to the Board for approval and adoption as the final disposition of the
23 Statement of Issues.

24 **PARTIES**

25 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board
26 of Registered Nursing. She brought this action solely in her official capacity and is represented in
27 this matter by Kamala D. Harris, Attorney General of the State of California, by Stephen A.
28 Aronis, Deputy Attorney General.

1 person at interviews/meetings as directed by the Board or its designated representatives.

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

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

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

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

21 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
22 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
23 6 consecutive months or as determined by the Board.

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

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

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

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

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

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

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

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

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

28 (a) Maximum - The individual providing supervision and/or collaboration is present in

1 the patient care area or in any other work setting at all times.

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

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

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

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

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

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

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

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

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

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

4 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
5 Respondent shall submit to the Board the original transcripts or certificates of completion for the
6 above required course(s). The Board shall return the original documents to Respondent after
7 photocopying them for its records.

8 **11. Violation of Probation.** If Respondent violates the conditions of her probation, the
9 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
10 and impose the stayed discipline (revocation/suspension) of Respondent's license.

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

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

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

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

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

2 13. **Physical Examination.** Within 45 days of the effective date of this Decision,
3 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
4 assistant, who is approved by the Board before the assessment is performed, submit an
5 assessment of the Respondent's physical condition and capability to perform the duties of a
6 registered nurse, including a determination as set forth below in the condition titled "Rule-Out
7 Substance Abuse Assessment." Such an assessment shall be submitted in a format acceptable to
8 the Board. If medically determined, a recommended treatment program will be instituted and
9 followed by the Respondent with the physician, nurse practitioner, or physician assistant
10 providing written reports to the Board on forms provided by the Board.

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

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

27 14. **Mental Health Examination.** Respondent shall, within 45 days of the effective date
28 of this Decision, have a mental health examination including psychological testing as appropriate

1 to determine her capability to perform the duties of a registered nurse, including a determination
2 as set forth below in the condition titled "Rule-Out Substance Abuse Assessment." The
3 examination will be performed by a psychiatrist, psychologist or other licensed mental health
4 practitioner approved by the Board. The examining mental health practitioner will submit a
5 written report of that assessment and recommendations to the Board. All costs are the
6 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
7 result of the mental health examination will be instituted and followed by Respondent.

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

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

24 **15. Rule-Out Substance Abuse Assessment.** If the examiner conducting the physical
25 and/or mental health examination determines that the respondent is dependent upon drugs or
26 alcohol, or has had problems with drugs or alcohol (i.e. drug dependence in remission or alcohol
27 dependence in remission), that might reasonably affect the safe practice of nursing, then the
28 respondent must further comply with the following additional terms and conditions of probation:

1 **A. Participate in Treatment/Rehabilitation Program for Chemical**
2 **Dependence.** Respondent, at her expense, shall successfully complete during the
3 probationary period or shall have successfully completed prior to commencement
4 of probation a Board-approved treatment/rehabilitation program of at least six
5 months duration. As required, reports shall be submitted by the program on forms
6 provided by the Board. If Respondent has not completed a Board-approved
7 treatment/rehabilitation program prior to commencement of probation,
8 Respondent, within 45 days from the effective date of the decision, shall be
9 enrolled in a program. If a program is not successfully completed within the first
10 nine months of probation, the Board shall consider Respondent in violation of
11 probation.

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

22 **B. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
23 shall completely abstain from the possession, injection or consumption by any
24 route of all controlled substances and all psychotropic (mood altering) drugs,
25 including alcohol, except when the same are ordered by a health care professional
26 legally authorized to do so as part of documented medical treatment. Respondent
27 shall have sent to the Board, in writing and within fourteen (14) days, by the
28 prescribing health professional, a report identifying the medication, dosage, the

1 date the medication was prescribed, the Respondent's prognosis, the date the
2 medication will no longer be required, and the effect on the recovery plan, if
3 appropriate.

4 Respondent shall identify for the Board a single physician, nurse
5 practitioner or physician assistant who shall be aware of Respondent's history of
6 substance abuse and will coordinate and monitor any prescriptions for Respondent
7 for dangerous drugs, controlled substances or mood-altering drugs. The
8 coordinating physician, nurse practitioner, or physician assistant shall report to the
9 Board on a quarterly basis Respondent's compliance with this condition. If any
10 substances considered addictive have been prescribed, the report shall identify a
11 program for the time limited use of any such substances.

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

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

25 In addition, Respondent, at any time during the period of probation, shall
26 fully cooperate with the Board or any of its representatives, and shall, when
27 requested, submit to such tests and samples as the Board or its representatives may
28 require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other

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controlled substances.

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

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

D. Therapy or Counseling Program. Respondent, 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.

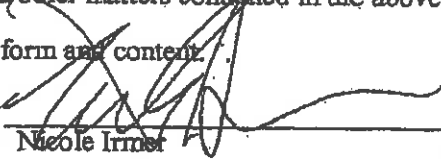
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Nicole Irmer. 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: 3/24/2016 
KATHERINE LYN MEIDUNAS, AKA KATHERINE ROUILLARD
Respondent

I have read and fully discussed with Respondent Katherine Lyn Meidunas, aka Katherine Rouillard the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 4/4/16 
Nicole Irmer
Attorney for Respondent

ENDORSEMENT

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

Dated: 4/11/16 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

STEPHEN A. ARONIS
Deputy Attorney General
Attorneys for Complainant

SD2015803202
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Exhibit A

Statement of Issues No. 2016-582

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 Statement of Issues
12 Against:

Case No. *2016-562*

13 **KATHERINE LYN MEIDUNAS,**
14 **AKA KATHERINE ROUILLARD**

STATEMENT OF ISSUES

15 Registered Nurse License Applicant

16 Respondent.

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 April 28, 2015, the Board of Registered Nursing, Department of
23 Consumer Affairs received an Application for Licensure by Endorsement from Katherine Lyn
24 Meidunas, also known as Katherine Rouillard (Respondent). On or about April 13, 2015,
25 Katherine Lyn Meidunas certified under penalty of perjury to the truthfulness of all statements,
26 answers, and representations in the application. The Board denied the application on October 1,
27 2015.

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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.

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STATUTORY PROVISIONS

5. 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, 1203.4a, or 1203.41 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.

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

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

6 (b) Notwithstanding any other provision of this code, a person shall not be denied
7 a license solely on the basis that he or she has been convicted of a felony if he or she has
8 obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section
9 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a
10 misdemeanor if he or she has met all applicable requirements of the criteria of
11 rehabilitation developed by the board to evaluate the rehabilitation of a person when
12 considering the denial of a license under subdivision (a) of Section 482.

13 (c) Notwithstanding any other provisions of this code, a person shall not be denied
14 a license solely on the basis of a conviction that has been dismissed pursuant to Section
15 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that
16 has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code
17 shall provide proof of the dismissal.

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

21 7. Section 482 of the Code states:

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

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

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

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

28 8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board
within the department pursuant to law to deny an application for a license or to suspend
or revoke a license or otherwise take disciplinary action against a person who holds a
license, upon the ground that the applicant or the licensee has been convicted of a crime
substantially related to the qualifications, functions, and duties of the licensee in
question, the record of conviction of the crime shall be conclusive evidence of the fact
that the conviction occurred, but only of that fact, and the board may inquire into the
circumstances surrounding the commission of the crime in order to fix the degree of
discipline or to determine if the conviction is substantially related to the qualifications,
functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority,"
and "registration."

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9. 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.

10. 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:

....

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

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

11. Section 2765 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, 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 allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

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REGULATORY PROVISIONS

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

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it 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.

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

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

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

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

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

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FIRST CAUSE FOR DENIAL OF APPLICATION

(February 24, 2014 Criminal Conviction for DUI on October 26, 2013)

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

a. On February 24, 2014, in a criminal proceeding entitled *In re Katherine Lyn Meidunas*, in the Virginia Beach (Virginia) General District Court, case number GT13068554,

1 Respondent was convicted on her plea of guilty to violating Code of Virginia section 18.2-266,
2 driving while intoxicated with a blood alcohol concentration (BAC) of .08 percent or more, a
3 misdemeanor.

4 b. As a result of the conviction, Respondent was sentenced to serve 360 days in jail,
5 stayed pending completion of supervised probation for 12 months. Respondent was ordered to
6 complete a substance abuse assessment, complete an Alcohol Safety Action Program, pay fees
7 and fines, and comply with probation. Respondent's driver's license was suspended for 12
8 months, and she was ordered to install an ignition interlock device on her vehicle for a period of
9 six months.

10 c. The facts that led to the conviction are that on or about 3:30 in the morning of
11 October 26, 2013, the Virginia Beach Police Department responded to a report of a collision
12 wherein Respondent had rear-ended another vehicle at a stoplight. Respondent admitted having
13 consumed a combination of alcohol and antihistamines prior to driving. Respondent refused to
14 provide any sample for testing. She was arrested for driving while intoxicated, and refusing a
15 test.

16 **SECOND CAUSE FOR DENIAL OF APPLICATION**

17 **(Dangerous Use of Alcohol and/or Drugs)**

18 15. Respondent's application is subject to denial under section 480(a)(3)(A) of the Code
19 in that on October 26, 2013, she used alcoholic beverages and/or drugs in a manner that was
20 dangerous and injurious to herself and others when she operated a motor vehicle while impaired
21 and caused a collision, as described in paragraph 14, above, which would be a ground for
22 discipline for unprofessional conduct under section 2762(b) of the Code for a licensed registered
23 nurse.

24 **THIRD CAUSE FOR DENIAL OF APPLICATION**

25 **(Alcohol-Related Conviction)**

26 16. Respondent's application is subject to denial under section 480(a)(3)(A) of the Code
27 for unprofessional conduct in that on February 24, 2014, Respondent was convicted of an
28 alcohol-related offense, as described in paragraph 14, above, which would be a ground for

1 discipline for unprofessional conduct under section 2762(c) of the Code for a licensed registered
2 nurse.

3 PRAYER

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

- 6 1. Denying the application of Katherine Lyn Meidunas, also known as Katherine
7 Rouillard, for a Registered Nurse License;
8 2. Taking such other and further action as deemed necessary and proper.

9
10 DATED: December 14, 2015

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

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