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By   
Virginia Board of Nursing



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VA BD 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

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

June 3, 2016

Harriett Tyler Caldwell  
4242 Ortega Boulevard, Apt. 3  
Jacksonville, FL 32210

CERTIFIED MAIL

DUPLICATE COPY  
VIA FIRST CLASS MAIL

DATE 6/3/16

RE: License No.: 0001-078533

Dear Ms. Caldwell:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered June 3, 2016. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal 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 present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, the application may be obtained at [www.dhp.virginia.gov](http://www.dhp.virginia.gov).

Sincerely,



Lisa R. Hahn, M.P.A., Chief Deputy Director  
Department of Health Professions

Enclosures  
Case # 173950

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE:       HARRIETT TYLER CALDWELL, R.N.**  
**License No.: 0001-078533**


**ORDER**

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Lisa R. Hahn, M.P.A., Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that the California Board of Registered Nursing accepted the voluntary surrender, in lieu of further disciplinary action, from Harriett Tyler Caldwell, R.N., of her license to practice nursing in the State of California by a Decision and Order which was effective on May 23, 2016. A certified copy of the Decision and Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Harriet Tyler Caldwell, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Harriett Tyler Caldwell, R.N., will be recorded as suspended. Should Ms. Caldwell seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, 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.

  
\_\_\_\_\_  
Lisa R. Hahn, M.P.A., Chief Deputy Director  
Department of Health Professions

ENTERED: June 3, 2016



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

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

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FAX (804) 527-4475

## CERTIFICATION OF DUPLICATE RECORDS

I, Lisa R. Hahn, M.P.A., Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Decision and Order which was effective on May 23, 2016, regarding Harriett Tyler Caldwell, R.N., is a true copy of the records received from the State of California, Board of Registered Nursing.

  
Lisa R. Hahn, M.P.A.

Date: June 3, 2016

BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

HARRIETT TYLER CALDWELL

Case No. 2016-973

Registered Nurse License No. 725410

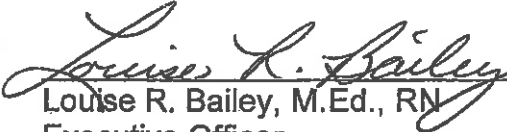
Respondent.

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 May 23, 2016


IT IS SO ORDERED this 23<sup>rd</sup> day of May, 2016



Louise R. Bailey, M.Ed., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

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  
Executive Officer



1 KAMALA D. HARRIS  
Attorney General of California  
2 ANTOINETTE B. CINCOTTA  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
4 State Bar No. 263607  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
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  
12 In the Matter of the Accusation Against:

13 **HARRIETT TYLER CALDWELL**  
4242 Ortega Blvd, Apt 3  
14 Jacksonville, FL 32210

15 **Registered Nurse License No. 725410**

16 Respondent.

Case No. 2016-973

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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

20 PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
22 Registered Nursing (Board). She brought this action solely in her official capacity and is  
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
24 Nicole R. Trama, Deputy Attorney General.

25 2. Harriett Tyler Caldwell (Respondent) is representing herself in this proceeding and  
26 has chosen not to exercise her right to be represented by counsel.

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CONTINGENCY

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

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

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

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

ORDER

22  
23       IT IS HEREBY ORDERED that Registered Nurse License No. 725410, issued to  
24 Respondent Harriett Tyler Caldwell, is surrendered and accepted by the Board.

25       1. The surrender of Respondent's Registered Nurse License and the acceptance of the  
26 surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
27 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
28 license history with the Board.

1           2.    Respondent shall lose all rights and privileges as a registered nurse in California as of  
2 the effective date of the Board's Decision and Order.

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

5           4.    If Respondent ever files an application for licensure or a petition for reinstatement in  
6 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
7 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
8 effect at the time the petition is filed, and all of the charges and allegations contained in  
9 Accusation No. 2016-973 shall be deemed to be true, correct and admitted by Respondent when  
10 the Board determines whether to grant or deny the petition.

11          5.    If and when Respondent's license is reinstated, she shall pay to the Board costs  
12 associated with its investigation and enforcement pursuant to Business and Professions Code  
13 section 125.3 in the amount of \$825.00. Respondent shall be permitted to pay these costs in a  
14 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the  
15 Board from reducing the amount of cost recovery upon reinstatement of the license.

16          6.    If Respondent should ever apply or reapply for a new license or certification, or  
17 petition for reinstatement of a license, by any other health care licensing agency in the State of  
18 California, all of the charges and allegations contained in Accusation, No. 2016-973 shall be  
19 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
20 Issues or any other proceeding seeking to deny or restrict licensure.

21          7.    Respondent shall not apply for licensure or petition for reinstatement for two (2)  
22 years from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 5/10/2016 Harriett Tyler Caldwell  
HARRIETT TYLER CALDWELL  
*Respondent*

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: 5/19/2016 Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
ANTOINETTE B. CINCOTTA  
Supervising Deputy Attorney General  
Nicole R. Trama  
NICOLE R. TRAMA  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 2016-973**

1 AMALA D. HARRIS  
Attorney General of California  
2 ANTOINETTE B. CINCOTTA  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
4 State Bar No. 263607  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 2016-973

13 **HARRIETT TYLER CALDWELL**  
4242 Ortega Blvd, Apt 3  
14 Jacksonville, FL 32210

**ACCUSATION**

15 Registered Nurse License No. 725410

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about April 24, 2008, the Board issued Registered Nurse License Number  
24 725410 to Harriett Tyler Caldwell (Respondent). The Registered Nurse License expired on March  
25 31, 2014, and has not been renewed.

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28 ///

1 **JURISDICTION**

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

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

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

11 **STATUTORY PROVISIONS**

12 6. Section 2761 of the Code states:

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

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

16 ...

17 (4) Denial of licensure, revocation, suspension, restriction, or any other  
18 disciplinary action against a health care professional license or certificate by another  
19 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.

20 **COSTS**

21 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
22 administrative law judge to direct a licentiate found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
25 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
26 included in a stipulated settlement.

27 ///

1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline Against Respondent's Florida License)

3 8. Respondent has subjected her license to disciplinary action under section 2761,  
4 subdivision (a)(4) of the Code in that her Florida registered nurse license was disciplined by the  
5 State Board of Florida, Department of Health (Florida Board), as follows:

6 9. On or about June 8, 2015, *In the matter of Department of Health v. Harriett Tyler*  
7 *Caldwell, R.N., 3204282*, before the State of Florida, case no. 2015-08086, an administrative  
8 complaint was filed alleging that on or about February 22, 2015, while employed home healthcare  
9 services to a patient T.W., Respondent struck T.W. on his buttocks with her hands two times.

10 10. The Florida Board alleged that Respondent's conduct violated Florida Statute section  
11 464.018(1)(h), as unprofessional conduct.

12 11. On August 17, 2015, in lieu of formal administrative proceedings on the administrative  
13 complaint, Respondent agreed to a Settlement Agreement, wherein she was ordered to pay an  
14 administrative fee and investigative costs and placed on probation for one (1) year. She was  
15 further required to enroll and successfully complete eight hours of legal aspects of nursing, two  
16 hours of ethics and eight hours of anger management. Respondent agreed that the agreement was  
17 a fair, appropriate, and reasonable resolution of the pending matter, and agreed to the stipulated  
18 facts that the Florida that Board had sufficient cause in its findings of facts to discipline  
19 Respondent's license.

20 12. On October 21, 2015, a Final Order was approved and adopted by the Florida Board,  
21 accepting the terms of discipline as to Respondent's registered nurse license.

22 PRAYER

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

25 1. Revoking or suspending Registered Nurse License Number 725410, issued to Harriett  
26 Tyler Caldwell;

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2. Ordering Harriett Tyler Caldwell to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: March 30, 2016

*Stacie Bunn*  
for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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