

Certified True Copy

By D. Saules
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

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

February 2, 2016

Leila Elizabeth Conklin
1594 Katherine Court
Woodbridge, VA 22191

CERTIFIED MAIL
DUPLICATE COPY
VIA FIRST CLASS MAIL
DATE 2/2/16

RE: License No.: 0001-242568

Dear Ms. Conklin:

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 February 2, 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, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

RECEIVED

FEB 03 2016

VA BD OF NURSING

Enclosures
Case # 171616

Sincerely,

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

VIRGINIA

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: **LEILA ELIZABETH CONKLIN, R.N.**
License No.: 0001-242568

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Leila Elizabeth Conklin, R.N., to practice nursing in the State of California was revoked by a Decision and Order which was effective on August 14, 2015, said license has not been reinstated. 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 license of Leila Elizabeth Conklin, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Leila Elizabeth Conklin, R.N., will be recorded as suspended and no longer current. Should Ms. Conklin 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.



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

ENTERED: 2/2/16



COMMONWEALTH of VIRGINIA

Department of Health Professions

Perimeter Center

9960 Mayland Drive, Suite 300

Henrico, Virginia 23233-1463

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TEL (804) 367-4400
FAX (804) 527-4475

David E. Brown, D.C.
Director

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 effective August 14, 2015, regarding Leila Elizabeth Conklin, R.N., is a true copy of the records received from the State of California, Board of Registered Nursing.

David E. Brown, D.C.

Date: _____

2/2/16

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

In the Matter of the Accusation Against:

LEILA ELIZABETH CONKLIN
1040 Columbine Road
Asheville, NC 28803

Registered Nurse License No. 809017

Respondent

Case No. 2014-1156

OAH No. 2014060560

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 August 14, 2015.

IT IS SO ORDERED July 15, 2015.

Michael D. Jackson M.Ed., RN, CEN

Michael D. Jackson, President
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
Louise R. Bailey, M. Ed., RN
Executive Officer



1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
Deputy Attorney General
4 State Bar No. 244817
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2114
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:
12 **LEILA ELIZABETH CONKLIN**
1040 Columbine Road
13 Asheville, NC 28803
Registered Nurse License No. 809017

Case No. 2014-1156

OAH No. 2014060560

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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 of
21 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 William D.
23 Gardner, Deputy Attorney General.

24 2. Respondent Leila Elizabeth Conklin ("Respondent") is represented in these
25 proceedings by attorney Tracy Green, whose address is 800 W. 6th Street, #450, Los Angeles,
26 90017.

27 3. On or about November 4, 2011, the Board of Registered Nursing issued Registered
28 Nurse License No. 809017 to Respondent. The Registered Nurse License was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 2014-1156 and will expire on
2 April 30, 2015, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2014-1156 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on March 21,
7 2014. Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 2014-1156 is attached as exhibit A and incorporated herein
9 by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 2014-1156. Respondent has also carefully read, and understands the effects of
13 this Stipulated Settlement and Disciplinary Order.

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

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

23 MITIGATING CIRCUMSTANCES

24 9. At the time of her arrest on December 4, 2012, Respondent had valid prescriptions for
25 each of the medications detected in her bloodstream and found in her possession. Had this matter
26 gone to hearing, Respondent would have provided evidence of these prescriptions and testimony
27 explaining her use of these medications.

28 ///

1 CULPABILITY

2 10. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 2014-1156.

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

6 CONTINGENCY

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

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

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

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

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

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

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

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

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

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

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

28 ///

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 ///

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

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

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

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

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

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

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

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

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

28 ///

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

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

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

10 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with its
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
12 amount of \$3,950.00. Respondent shall be permitted to pay these costs in a payment plan
13 approved by the Board, with payments to be completed no later than three months prior to the end
14 of the probation term.

15 If Respondent has not complied with this condition during the probationary term, and
16 Respondent has presented sufficient documentation of her good faith efforts to comply with this
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
18 extension of Respondent's probation period up to one year without further hearing in order to
19 comply with this condition. During the one year extension, all original conditions of probation
20 will apply.

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

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

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

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

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

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

15 14. **Physical Examination.** Within 45 days of the effective date of this Decision,
16 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
17 assistant, who is approved by the Board before the assessment is performed, submit an
18 assessment of the Respondent's physical condition and capability to perform the duties of a
19 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
20 medically determined, a recommended treatment program will be instituted and followed by the
21 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
22 to the Board on forms provided by the Board.

23 If Respondent is determined to be unable to practice safely as a registered nurse, the
24 licensed physician, nurse practitioner, or physician assistant making this determination shall
25 immediately notify the Board and Respondent by telephone, and the Board shall request that the
26 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
27 immediately cease practice and shall not resume practice until notified by the Board. During this
28 period of suspension, Respondent shall not engage in any practice for which a license issued by

1 the Board is required until the Board has notified Respondent that a medical determination
2 permits Respondent to resume practice. This period of suspension will not apply to the reduction
3 of this probationary time period.

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

11 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

12 Respondent, at her expense, shall successfully complete during the probationary period or shall
13 have successfully completed prior to commencement of probation a Board-approved
14 treatment/rehabilitation program of at least six months duration. As required, reports shall be
15 submitted by the program on forms provided by the Board. If Respondent has not completed a
16 Board-approved treatment/rehabilitation program prior to commencement of probation,
17 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.
18 If a program is not successfully completed within the first nine months of probation, the Board
19 shall consider Respondent in violation of probation.

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

28 ///

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

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

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

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

27 In addition, Respondent, at any time during the period of probation, shall fully cooperate
28 with the Board or any of its representatives, and shall, when requested, submit to such tests and

1 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
2 hypnotics, dangerous drugs, or other controlled substances.

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

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

15 **18. Mental Health Examination.** Respondent shall, within 45 days of the effective date
16 of this Decision, have a mental health examination including psychological testing as appropriate
17 to determine her capability to perform the duties of a registered nurse. The examination will be
18 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by
19 the Board. The examining mental health practitioner will submit a written report of that
20 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
21 Recommendations for treatment, therapy or counseling made as a result of the mental health
22 examination will be instituted and followed by Respondent.

23 If Respondent is determined to be unable to practice safely as a registered nurse, the
24 licensed mental health care practitioner making this determination shall immediately notify the
25 Board and Respondent by telephone, and the Board shall request that the Attorney General's
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
27 practice and may not resume practice until notified by the Board. During this period of
28 suspension, Respondent shall not engage in any practice for which a license issued by the Board

1 is required, until the Board has notified Respondent that a mental health determination permits
2 Respondent to resume practice. This period of suspension will not apply to the reduction of this
3 probationary time period.

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

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

15 ACCEPTANCE

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

20
21 DATED: 10/25/2014

21 Leila Elizabeth Conklin
22 LEILA ELIZABETH CONKLIN
23 Respondent

23 ///

24 ///

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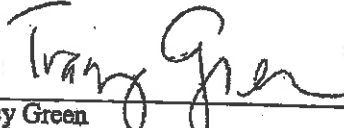
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I have read and fully discussed with Respondent Leila Elizabeth Conklin the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/20/14


Tracy Green
Attorney for Respondent

ENDORSEMENT

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

Dated:

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

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


DATED: _____
Tracy Green
Attorney for Respondent

ENDORSEMENT

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

Dated: 10/28/14

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General


WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

LA2013510301
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Exhibit A

Accusation No. 2014-1156

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
4 State Bar No. 141267
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-8944
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

10
11 In the Matter of the Accusation Against:

Case No. 2014-1156

12 **LEILA ELIZABETH CONKLIN**
43069 Northlake Overlook Terrace
13 Leesburg, VA 20176

ACCUSATION

14 Registered Nurse License No. 809017

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about November 4, 2011, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 809017 to Leila Elizabeth Conklin (Respondent). The Registered
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on April 30, 2015, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following laws.

28 All section references are to the Business and Professions Code unless otherwise indicated.

1 the possession of, or falsification of a record pertaining to, the substances described in subdivision
2 (a) of this section, in which event the record of the conviction is conclusive evidence thereof.”

3 **REGULATORY PROVISIONS**

4 8. California Code of Regulations, title 16, section 1444 states, in pertinent part:
5 “A conviction or act shall be considered to be substantially related to the qualifications,
6 functions or duties of a registered nurse if to a substantial degree it evidences the present or
7 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
8 safety, or welfare.”

9 **COST RECOVERY**

10 9. Section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 **DANGEROUS DRUGS & CONTROLLED SUBSTANCES**

15 10. “Ambien,” is the generic name for Zolpidem Tartrate. It is a Schedule IV controlled
16 substance as designated by Health and Safety Code section 11057, subdivision (d) and is
17 categorized as a dangerous drug pursuant to section 4022.

18 11. “Soma,” is the brand name for Carisoprodol, used as an adjunct to rest and physical
19 therapy, and is categorized as a dangerous drug pursuant to section 4022.

20 12. “Vicodin,” is the brand name for Hydrocodone. It is a Schedule II controlled
21 substance as designated by Health and Safety Code section 11055, subdivision (b) and is
22 categorized as a dangerous drug pursuant to section 4022.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Conviction of a Substantially Related Crime)**

25 13. Respondent is subject to disciplinary action under section 2761, subdivision (f), in
26 conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was
27 convicted of a crime which to a substantial degree evidences a potential unfitness to engage in the

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1 practice of nursing in a manner consistent with the public health, safety, or welfare. The
2 circumstances are as follows.

3 14. On or about April 5, 2013, in the criminal proceeding entitled *The People of the State*
4 *of California v. Leila Elizabeth Conklin* (Super. Ct. Los Angeles County, 2013, No. 3GN00605),
5 Respondent entered a plea of nolo contendere and was convicted of one misdemeanor count of
6 violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or
7 drugs]. The circumstances surrounding the conviction are that on or about December 4, 2012,
8 Respondent was arrested following a hit and run accident which occurred in the parking lot of a
9 shopping center. After causing the accident, Respondent fled the scene but was later stopped by
10 the Glendale Police Department. While interviewing Respondent, the arresting officer observed
11 that Respondent's appearance, speech and demeanor indicated that she was under the influence of
12 drugs and/or alcohol. At that time Respondent stated that she had the prescription medications
13 Ambien, Soma, and Vicodin in her possession and admitted that she had taken Soma earlier that
14 evening. Respondent later submitted to a blood test which indicated the presence of opiates and
15 zolpidem (Ambien). Respondent was arrested and charged with violating Vehicle Code section
16 23152, subdivision (a) [driving under the influence of alcohol or drugs] and Vehicle Code section
17 20002 [hit and run].

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Dangerous Use of Controlled Substance or Dangerous Drug)**

20 15. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
21 conjunction with section 2762, subdivision (b), in that Respondent used a controlled substance
22 and/or dangerous drug to an extent or in a manner dangerous or injurious herself and others.
23 Complainant refers to, and by this reference incorporates, the allegations set forth above in
24 paragraphs 13 and 14, inclusive, as though set forth fully herein.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Conviction Involving Controlled Substance or Dangerous Drug)

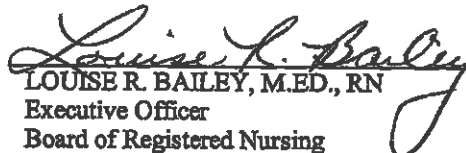
3 16. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
4 conjunction with section 2762, subdivision (c), in that Respondent was convicted of a criminal
5 offense involving the consumption or self-administration of a controlled substance and/or
6 dangerous drug. Complainant refers to, and by this reference incorporates, the allegations set
7 forth above in paragraphs 13 and 14, inclusive, as though set forth fully herein.

8 PRAYER

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

- 11 1. Revoking or suspending Registered Nurse License No. 809017, issued to Leila
12 Elizabeth Conklin;
- 13 2. Ordering Leila Elizabeth Conklin to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3; and
- 16 3. Taking such other and further action as deemed necessary and proper.
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19 DATED: March 21, 2014


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

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