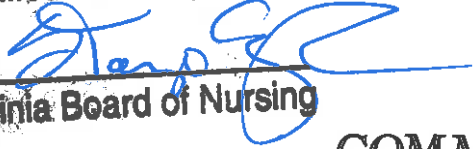


Certified True Copy

By 
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

October 1, 2015

Chi-Man Ho
115 E. Broadway Avenue, Apt. #G204
San Gabriel, CA 91776

RE: License No.: 0001-194723

Dear Mr. Ho:

CERTIFIED MAIL

**DUPLICATE COPY
VIA FIRST CLASS MAIL**

DATE 10/1/15

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 October 1, 2015. 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.

Sincerely,



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

RECEIVED

OCT 02 2015

VA BD OF NURSING

Enclosures
Case # 169745

VIRGINIA

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: CHI-MAN HO, R.N.
License No.: 0001-194723

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 Chi-Man Ho, R.N., to practice nursing in the State of California was revoked by a Decision and Order which was effective on June 13, 2014, 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 the privilege of Chi-Man Ho, R.N., to renew his license to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Chi-Man Ho, R.N., will be recorded as suspended and no longer current. Should Mr. Ho seek reinstatement of his license pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his 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: 10/1/15



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

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 June 13, 2014, regarding Chi-Man Ho, 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: 6/11/15

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

In the Matter of the Accusation Against:

CHI-MAN HO
115 East Broadway #G-204
San Gabriel, CA 91776

Registered Nurse License No. 656286
Public Health Nurse Certificate No. 70340

Respondent

Case No. 2013-1091

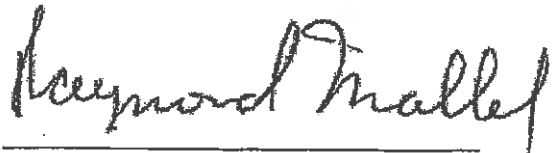
OAH No. 2013070091

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 June 13, 2014.


IT IS SO ORDERED May 15, 2014.



Raymond Mallel, 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
Executive Officer



1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

11 **CHI-MAN HO**
12 **115 East Broadway #G-204**
13 **San Gabriel, CA 91776**

14 **Registered Nurse License No. 656286**
Public Health Nurse Certificate No. 70340

15 Respondent.

Case No. 2013-1091

OAH No. 2013070091

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

19 **PARTIES**

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

24 2. Respondent Chi-Man Ho ("Respondent") is representing himself in this proceeding
25 and has chosen not to exercise his right to be represented by counsel.

26 3. On or about April 14, 2005, the Board issued Registered Nurse License No. 656286
27 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to
28 the charges brought herein and will expire on August 31, 2014, unless renewed.

1 **Severability Clause.** Each condition of probation contained herein is a separate and
2 distinct condition. If any condition of this Order, or any application thereof, is declared
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
5 and enforceable to the fullest extent permitted by law.

6 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
7 detailed account of any and all violations of law shall be reported by Respondent to the Board in
8 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
9 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
10 45 days of the effective date of the decision, unless previously submitted as part of the licensure
11 application process.

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

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

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

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

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

1 returning to practice in this state.

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

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

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

15 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
16 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
17 6 consecutive months or as determined by the Board.

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

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

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

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

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

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

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

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

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

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

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

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

28 ///

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

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

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

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

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

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

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

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

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

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

3 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with its
4 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
5 amount of \$2,955.00. Respondent shall be permitted to pay these costs in a payment plan
6 approved by the Board, with payments to be completed no later than three months prior to the end
7 of the probation term.

8 If Respondent has not complied with this condition during the probationary term, and
9 Respondent has presented sufficient documentation of his good faith efforts to comply with this
10 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
11 extension of Respondent's probation period up to one year without further hearing in order to
12 comply with this condition. During the one year extension, all original conditions of probation
13 will apply.

14 **12. Violation of Probation.** If Respondent violates the conditions of his probation, the
15 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
16 and impose the stayed discipline (revocation) of Respondent's license.

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

22 **13. License Surrender.** During Respondent's term of probation, if he ceases practicing
23 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
24 Respondent may surrender his license to the Board. The Board reserves the right to evaluate
25 Respondent's request and to exercise its discretion whether to grant the request, or to take any
26 other action deemed appropriate and reasonable under the circumstances, without further hearing.
27 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
28 subject to the conditions of probation.

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

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

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

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

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

25 If Respondent fails to have the above assessment submitted to the Board within the 45-day
26 requirement, Respondent shall immediately cease practice and shall not resume practice until
27 notified by the Board. This period of suspension will not apply to the reduction of this
28 probationary time period. The Board may waive or postpone this suspension only if significant,

1 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
2 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
3 Only one such waiver or extension may be permitted.

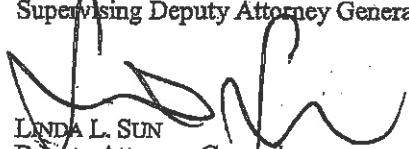
4 ACCEPTANCE

5 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
6 stipulation and the effect it will have on my Registered Nurse License and Public Health Nurse
7 Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,
8 and intelligently, and agree to be bound by the Decision and Order of the Board of Registered
9 Nursing.

10
11 DATED: 11/22/13 
12 CHI-MAN HO
13 Respondent

14 ENDORSEMENT

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

17 Dated: 11/25/13 Respectfully submitted,
18
19 KAMALA D. HARRIS
20 Attorney General of California
21 ARMANDO ZAMBRANO
22 Supervising Deputy Attorney General
23 
24 LINDA L. SUN
25 Deputy Attorney General
26 Attorneys for Complainant

26 LA2012507405
27 51404457.doc
28

Exhibit A

Accusation No. 2013-1091

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 2013-1091

13 **CHI-MAN HO**
115 East Broadway #G-204
San Gabriel, CA 91776

ACCUSATION

14 Registered Nurse License No. 656286
15 Public Health Nurse Certificate No. 70340

16 Respondent.

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 (Board).

22 2. On or about April 14, 2005, the Board issued Registered Nurse License No. 656286
23 to Chi-Man Ho (Respondent). The Registered Nurse License was in full force and effect at all
24 times relevant to the charges brought herein and will expire on August 31, 2014, unless renewed.

25 3. On or about June 30, 2006, the Board issued Public Health Nurse Certificate No.
26 70340 to Chi-Man Ho (Respondent). The Public Health Nurse Certificate was in full force and
27 effect at all times relevant to the charges brought herein and will expire on August 31, 2014,
28 unless renewed.

1 JURISDICTION

2 4. 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 unless otherwise indicated.

4 STATUTORY PROVISIONS

5 5. Section 490 states, in pertinent part:

6 "(a) In addition to any other action that a board is permitted to take against a licensee, a
7 board may suspend or revoke a license on the ground that the licensee has been convicted of a
8 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
9 or profession for which the license was issued.

10 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
11 discipline a licensee for conviction of a crime that is independent of the authority granted under
12 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
13 of the business or profession for which the licensee's license was issued.

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

20 6. Section 2750 states, in pertinent part, that the Board may discipline any licensee,
21 including a licensee holding a temporary or an inactive license, for any reason provided in Article
22 3 (commencing with section 2750) of the Nursing Practice Act.

23 7. Section 2761 states, in pertinent part:

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

26 "(a) Unprofessional conduct, which includes, but is not limited to, the following:
27
28

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 **CAUSE FOR DISCIPLINE**

5 **(Conviction of a Substantially-Related Crime)**

6 12. Respondent is subject to disciplinary action under Code sections 490 and 2761,
7 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, on the
8 grounds of unprofessional conduct, in that Respondent was convicted of a crime involving theft,
9 dishonesty, fraud or deceit, which is substantially related to the qualifications, functions, or duties
10 of a registered nurse as follows:

11 a. On or about March 15, 2012, after pleading *nolo contendere*, Respondent was
12 convicted of one felony count of violating Penal Code section 487, subdivision (a) [grand theft],
13 in the criminal proceeding entitled *The People of the State of California v. Chiman Ho, aka Chi*
14 *Man Ho* (Super. Ct. Placer County, 2009, No. 62-104298). The court sentenced Respondent to
15 serve 60 days in jail, placed him on probation for a period of 3 years, and ordered him to pay
16 \$1,379.00 in restitution. The circumstances surrounding the conviction are that between June 11,
17 2009 and January 31, 2010, Respondent intentionally filed false time cards to V-Staff USA, Inc.,
18 an employment staffing service for prisons and other government agencies, after he was
19 terminated from his contracted employer.

20 **PRAYER**

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

- 23 1. Revoking or suspending Registered Nurse License No. 656286, issued to Chi-Man
24 Ho;
- 25 2. Revoking or suspending Public Health Nurse Certificate No. 70340, issued to Chi-
26 Man Ho;
- 27 3. Ordering Chi-Man Ho to pay the Board the reasonable costs of the investigation and
28 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: May 20, 2013

Janice Bern
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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accusation.rtf
03/27/13-IC