

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CHRISTINE HELEN WALSH DEVOY, R.N.
License No.: 0001-209233

CONSENT ORDER

The Virginia Board of Nursing ("The Board") and Christine Helen Walsh DeVoy, R. N., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Ms. DeVoy to practice nursing in the Commonwealth of Virginia.

FINDINGS OF FACT

The Board adopts the following findings of fact in this matter:

1. Christine Helen Walsh DeVoy, R.N., was issued license number 0001-209233 by the Board to practice nursing in the Commonwealth of Virginia on September 11, 2007. Said license is active and will expire on March 31, 2015, unless renewed or otherwise restricted. Ms. DeVoy also holds License No. RN217168 to practice professional nursing in Massachusetts, which expired on March 12, 2012, and License No. 544820 to practice nursing in California, which expired on April 30, 2000. Ms. DeVoy's primary state of residence is Virginia.

2. By Order entered May 6, 2013, the Virginia Board of Nursing reprimanded Ms. DeVoy's license to practice nursing. This action was based upon Ms. DeVoy's violation of § 54.1-3007(2), (3), (4), (5) and (6) of the Code of Virginia, and 18VAC 90-20-300(A)(2)(c) and (e) of the Board of Nursing Regulations in that,

a. On or about December, 2007, during the course of her employment with Virginia Commonwealth University Health System, Richmond, Virginia, Ms. DeVoy

stole blank prescription forms, forged the names of prescribers, and fraudulently obtained tramadol, Valium (diazepam, Schedule IV), and oxycodone (Schedule II) for her personal and unauthorized use. As a result, Ms. DeVoy's employment was terminated effective February 5, 2008.

b. On February 1, 2008, Ms. DeVoy entered the intensive outpatient treatment program at the Family Counseling Center for Recovery, Richmond, Virginia. On February 15, 2008, Ms. DeVoy entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"). On June 20, 2008, Ms. DeVoy received a stay of disciplinary action for forging and presenting fraudulent prescriptions. On October 5, 2012, the stay of disciplinary action was vacated due to Ms. DeVoy's noncompliance with the HPMP. Specifically, on June 19, 2012, Ms. DeVoy tested positive for tramadol, for which she did not have a valid prescription.

c. On December 8, 2009, in the Circuit Court of Chesterfield County, Virginia, Ms. DeVoy was convicted of two counts of obtaining drugs by fraud, a misdemeanor. She was sentenced to 24 months in jail, suspended, and ordered to pay court costs.

3. By Default Decision and Order effective on September 3, 2014, the State of California Board of Registered Nursing ("California Board") revoked the license of Christine Helen Walsh DeVoy, R.N. This action was based solely on the Virginia Board's Order entered May 6, 2013.

4. By Order entered January 27, 2015, the Director of the Department of Health Professions mandatorily suspended Ms. DeVoy's license pursuant to Section 54.1-2409 of

the Code due to the action of the California Board.

CONCLUSIONS OF LAW

This matter of the reinstatement of Ms. DeVoys' license to practice nursing in the Commonwealth of Virginia is properly before the Board.

CONSENT

I, Christine Helen Walsh DeVoy, R.N., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to an informal conference before the Board; and
 - b. the right to appear in person or by counsel, or other qualified representative before the agency.
4. I waive all rights to an informal conference;
5. I admit the truth of the above Findings of Fact; and
6. I consent to the following Order affecting my license to practice nursing in the Commonwealth of Virginia.


ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the license of Christine Helen Walsh DeVoy, R.N., to practice nursing in the Commonwealth of Virginia, be, and hereby is, REINSTATED effective January 27, 2015.

Ms. DeVoy shall maintain a course of conduct in her practice of nursing commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:



Jane R. Ingalls, R.N., Ph. D.
President, Virginia Board of Nursing

ENTERED: Jan. 27, 2015

SEEN AND AGREED TO:

Christine Helen Walsh DeVoy, R.N.
Christine Helen Walsh DeVoy, R.N.

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

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 17 day of DEC, 2014, by Christine Helen Walsh DeVoy, R.N.

JONATHAN GARCIA
NOTARY PUBLIC
REGISTRATION # 7607746
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
March 31/2018

Jonathan Garcia
Notary Public
Registration Number: 7607746
My commission expires: March 31/2018

Certified True Copy
By draham
Virginia Board Of Nursing

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: CHRISTINE HELEN WALSH DEVOY, R.N.
License Nos.: 0001-209233**

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that the State of California Board of Registered Nursing revoked the license of Christine Helen Walsh DeVoy, R.N., to practice as a registered nurse in the State of California by a Default Decision and Order effective September 3, 2014. A certified copy of the Default 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 Christine Helen Walsh DeVoy, R.N., to practice as a professional nurse in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

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.



Jaime H. Hoyle, Esquire, Chief Deputy Director
Department of Health Professions

ENTERED: 1/27/2015

Certified True Copy

By draham
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

CERTIFICATION OF DUPLICATE RECORDS

I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Default Decision and Order effective September 3, 2014, regarding Christine Helen Walsh DeVoy, R.N., are true copies of the records received from the State of California Board of Registered Nursing.



Jaime H. Hoyle, Esquire

Date: 1/27/2015

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



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

In the Matter of the Accusation Against:
CHRISTINE H. DEVOY
a.k.a. **CHRISTINE H. FREDETTE**
a.k.a. **CHRISTINE H. DEVEY**
2007 Orangewood Road
Richmond, VA 23235

Registered Nurse License No. 544820

RESPONDENT

Case No. 2014-1021
DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 21, 2014, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2014-1021 against Christine H. Devoy, aka Christine H. Fredette, aka Christine H. Devey (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about July 3, 1998, the Board of Registered Nursing (Board) issued Registered Nurse License No. 544820 to Respondent. The Registered Nurse License expired on April 30, 2000, and has not been renewed.

3. On or about February 21, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2014-1021, Statement to Respondent, Notice of Defense,

COMMONWEALTH'S EXHIBIT
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1 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to
2 Respondent's address of record which, pursuant to Business and Professions Code section 136
3 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and
4 maintained with the Board, which was and is:

5 2007 Oranewood Road

6 Richmond, VA 23235.

7 On or about March 19, 2014, Respondent was re-served by Certified and First Class Mail
8 copies of the Accusation No. 2014-1021, Statement to Respondent, Notice of Defense, Request
9 for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's
10 alternate address as follows:

11 2007 Oranewood Road

12 North Chesterfield, VA 23235.

13 4. Service of the Accusation was effective as a matter of law under the provisions of
14 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
15 124.

16 5. On or about April 2, 2014, the Domestic Return Receipt for the Accusation served by
17 Certified mail to respondent's alternate address was returned by U. S. Postal Service
18 acknowledging receipt. As of April 29, 2014, nothing was returned by U. S. Postal Service for
19 documents served to respondent's address of record.

20 6. Business and Professions Code section 2764 states:

21 The lapsing or suspension of a license by operation of law or by order or decision of
22 the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive
23 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
24 against such license, or to render a decision suspending or revoking such license.

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

26 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
27 notice of defense, and the notice shall be deemed a specific denial of all parts of the Accusation
28

1 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
2 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

3 8. Respondent failed to file a Notice of Defense within 15 days after service of the
4 Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation No.
5 2014-1021.

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

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

10 10. Pursuant to its authority under Government Code section 11520, the finds Respondent
11 is in default. The Board will take action without further hearing and, based on Accusation No.
12 2014-1021 and the documents contained in Default Decision Investigatory Evidence Packet in
13 this matter which includes:

14 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation Case No. 2014-
15 1021, Statement to Respondent, Notice of Defense (two blank copies),
16 Request for Discovery and Discovery Statutes (Government Code sections
17 11507.5, 11507.6 and 11507.7), proofs of service; and if applicable, mail
18 receipt or copy of returned mail envelopes;

19 Exhibit 2: License History Certification for Christine H. Devoy, aka Christine H.
20 Fredette, aka Christine H. Devey, Registered Nurse License No. 544820;

21 Exhibit 3: Affidavit of Kami Pratab;

22 Exhibit 4: Out of State Discipline (Virginia Board of Nursing);

23 Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of
24 Case No. 2014-1021.

25 The Board finds that the charges and allegations in Accusation No. 2014-1021 are separately and
26 severally true and correct by clear and convincing evidence.

27 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by
28 the Office of the Attorney General contained in the Default Decision Investigatory Evidence

1 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that
2 the reasonable costs for Investigation and Enforcement in connection with the Accusation are
3 \$680.00 as of April 29, 2014.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Christine H. Devoy, aka
6 Christine H. Fredette, aka Christine H. Devey has subjected her following license(s) to discipline:

7 a. Registered Nurse License No. 544820

8 2. The agency has jurisdiction to adjudicate this case by default.

9 3. The Board of Registered Nursing is authorized to revoke Respondent's license(s)
10 based upon the following violations alleged in the Accusation, which are supported by the
11 evidence contained in the Default Decision Investigatory Evidence Packet in this case.

12 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary
13 action by another State Board of Nursing.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 544820, heretofore issued to Respondent Christine H. Devoy, aka Christine H. Fredette, aka Christine H. Devey, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on September 3, 2014.

It is so ORDERED August 4, 2014.



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2014-1021

Exhibit A

Accusation No. 2014-1021

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JAMES M. LEDAKIS
Supervising Deputy Attorney General
4 State Bar No. 132645
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2610
7 Facsimile: (619) 645-2105
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2014-1021

12 **CHRISTINE H. DEVOY**
13 **AKA CHRISTINE H. FREDETTE**
14 **AKA CHRISTINE H. DEVEY**
2007 Orangewood Road
15 Richmond, VA 23235

ACCUSATION

16 Registered Nurse License No. 544820

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about July 3, 1998, the Board of Registered Nursing issued Registered Nurse
25 License Number 544820 to Christine H. Devoy, aka Christine H. Fredette, aka Christine H. Devey
26 (Respondent). The Registered Nurse License expired on April 30, 2000, and has not been
27 renewed.

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JURISDICTION

3. This Accusation 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 unless otherwise indicated.

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

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

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STATUTORY PROVISIONS

6. Section 2761 of the Code states:

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

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

....

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

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1 **COST RECOVERY**

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

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct – Disciplinary Action by Another Health Care Agency –
10 Virginia Board of Nursing)**

11 8. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4),
12 for unprofessional conduct in that Respondent was disciplined by the Virginia Board of Nursing in
13 the case entitled *In Re: Christine H. DeVoy, R.N., License No.: 0001-209233* for violation of
14 section 54.1-3007 of the Code of Virginia (1950), subsections (2), unprofessional conduct, (3),
15 willful or repeated violation of any of the provisions of this chapter, (5), practicing in a manner
16 contrary to the standards of ethics or in such a manner as to make his practice a danger to the
17 health and welfare of patients or to the public, and (6), use of alcohol or drugs to the extent that
18 such use renders her unsafe to practice, or any mental or physical illness rendering her unsafe to
19 practice. The circumstances are as follows:

20 9. In or about December of 2007, while employed with Virginia Commonwealth
21 University Health System in Richmond, Virginia, Respondent stole blank prescription forms,
22 forged the names of prescribers, and fraudulently obtained tramadol, Valium (diazepam) and
23 oxycodone for her personal and unauthorized use. Respondent's employment was terminated
24 effective February 5, 2008.

25 10. On or about February 1, 2008, Respondent entered the intensive outpatient treatment
26 program at the Family Counseling Center for Recovery in Richmond, Virginia.

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1 11. On February 15, 2008, Respondent entered a Participation Contract with the Health
2 Practitioner's Monitoring Program (HPMP). On June 20, 2008, the Virginia Board stayed
3 disciplinary action against Respondent, however, on October 5, 2012, the stay of disciplinary
4 action was vacated due to Respondent's noncompliance with the HPMP. Specifically, on
5 June 19, 2012, Respondent tested positive for tramadol for which she did not have a valid
6 prescription. Respondent reported to the Virginia Board that she accidentally ingested tramadol
7 that was prescribed for a family member and that had been placed in an over-the-counter
8 medication container. Respondent was referred back to the nurses' group and placed on warning
9 status.

10 12. On December 8, 2009, in the Circuit Court of Chesterfield County, Virginia,
11 Respondent was convicted of two counts of obtaining drugs by fraud, a misdemeanor, and was
12 sentenced to 24 months in jail, with sentence suspended, and ordered to pay court costs.

13 13. On April 26, 2013, Respondent entered into a Consent Order with the Virginia Board,
14 effective May 6, 2013, in lieu of further proceedings, whereby Respondent's Virginia Nursing
15 License No. 0001-209233 was reprimanded. Said reprimand ordered that Respondent maintain a
16 course of conduct in her capacity as a professional nurse commensurate with the requirements of
17 Section 54.1-3000 et seq. of the Virginia Code and the Regulations Governing the Practice of
18 Nursing, and that the Order remain in the custody of the Department of Health Professions as a
19 public record and made available for public inspection or copying upon request pursuant to
20 sections 2.24023 and 54.1-2400.2 of the Virginia Code.

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PRAYER

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

1. Revoking or suspending Registered Nurse License Number 544820, issued to Christine H. Devoy, aka Christine H. Fredette, aka Christine H. Devey;
2. Ordering Christine H. Devoy, aka Christine H. Fredette, aka Christine H. Devey, 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: FEBRUARY 21, 2014

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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