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

In the Matter of the Stipulated Settlement and
Disciplinary Order Against:

Case No. 2011-904

MARNIE JANE CHAVIS LITTLE
1745 Finney Road
Rockfield, KY 42274

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Registered Nurse License No. 739373


Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the
Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

It is so ORDERED on FEBRUARY 21, 2013.

This Decision shall become effective on FEBRUARY 21, 2013.



Louise R. Bailey, M.Ed., R.N., Executive Officer
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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

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In the Matter of the Stipulated Settlement and
Disciplinary Order Against:

MARNIE JANE CHAVIS LITTLE
1745 Finney Road
Rockfield, KY 42274

Registered Nurse License No. 739373

Respondent.

Case No. 2011-904

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties that
the following matters are true:

PARTIES

1. Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer of the Board of Registered Nursing, who brought this action solely in her official capacity.
2. Marnie Jane Chavis Little (Respondent), is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.
3. On or about November 4, 2008, the Board of Registered Nursing issued Registered Nurse License No. 739373 to Marnie Jane Chavis Little (Respondent). The Registered Nurse license was in full force and effect at all times relevant to the charges brought in Accusation No. 2011-904 and will expire on April 30, 2014, unless renewed.

JURISDICTION

4. On July 20, 2012, the Board of Registered Nursing adopted Stipulated Settlement and Disciplinary Order No. 2011-904, which became effective on August 20, 2012. The Stipulated Settlement and Disciplinary Order requires, inter alia, the respondent to serve a 3-year probation term that includes Probation Conditions # 1-16(D). The Stipulated Settlement and Disciplinary Order is attached as exhibit A and incorporated herein by reference.
5. At all times after the effective date of Respondent's probation, Condition

1 13 states,

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

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

- 16 (1) Two years for reinstatement of a license that was surrendered for
17 any reason other than a mental or physical illness; or
18 (2) One year for a license surrendered for a mental or physical illness.”
19

20
21 ADVISEMENT AND WAIVERS

22 6. Respondent has carefully read and understands Stipulated Settlement
23 and Disciplinary Order No. 2011-904. Respondent has carefully read, and understands the
24 effects of this Stipulated Surrender of License and Order and understands that this Stipulated
25 Surrender, if accepted by the Board, is considered as formal discipline of her license.

26 7. Respondent understands that by signing this stipulation she enables
27 the Board to accept the surrender of her Registered Nurse License without further process.
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part of Respondent's license history with the Board.

13. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

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

15. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2011-904 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

16. Upon reinstatement of the license by the Board, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$5,812.50 which is the amount currently owed pursuant to Stipulated Settlement and Disciplinary Order No. 2011-904 (Exhibit A). If the reinstatement of Respondent's license is granted, Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

17. Respondent shall not apply for licensure or petition for reinstatement for 2 years from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

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

DATED: 1-22-13

Marnie Jane Chavis Little
MARNIE JANE CHAVIS LITTLE
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully accepted by Louise R. Bailey, M.Ed., R.N. (Complainant) as the Executive Officer for the Board of Registered Nursing.

DATED: FEBRUARY 21, 2013

Louise R. Bailey, M.Ed., R.N.

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

BOARD OF REGISTERED NURSING

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EXHIBIT "A"

Stipulated Settlement and Disciplinary Order No. 2011-904

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

In the Matter of the Accusation Against:

MARNIE JANE CHAVIS LITTLE

Registered Nurse License No. 739373

Respondent .

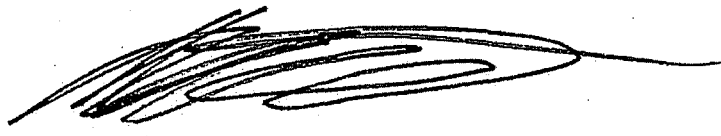
Case No. 2011-904
OAH No. 2011070916

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 20, 2012.

IT IS SO ORDERED July 20, 2012.



Erin Niemela
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
4 State Bar No. 169423
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2129
Facsimile: (510) 622-2270
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. 2011-904

13 **MARNIE JANE CHAVIS LITTLE**
1977 Smithflat Cemetery Road
Placerville, CA 95667

OAH No. 2011070916

14 **Registered Nurse License No. 739373**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

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

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
20 Registered Nursing, Department of Consumer Affairs (Board). She brought this action solely in
21 her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of
22 the State of California, by Shana A. Bagley, Deputy Attorney General.

23 2. Respondent Marnie Jane Chavis Little (Respondent) is represented in this proceeding
24 by attorney Samuel Spital, Esq., whose address is: Spital and Associates, 8880 Rio San Diego
25 Drive, Ste. 800, San Diego, CA 92108-1642.

26 3. On or about November 4, 2008, the Board issued Registered Nurse License No.
27 739373 to Respondent. The Registered Nurse License was in full force and effect at all times
28

1 relevant to the charges brought in Accusation No. 2011-904 and will expire on April 30, 2012,
2 unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 2011-904 was filed before the Board, Department of Consumer
5 Affairs, and is currently pending against Respondent. The Accusation and all other statutorily
6 required documents were properly served on Respondent on May 4, 2011. Respondent timely
7 filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2011-904 is
8 attached as exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 2011-904. Respondent has also carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
13 Order.

14 6. 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 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 8. For the purpose of resolving the Accusation without the expense and uncertainty of
25 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
26 basis for the charges in the Accusation and that those charges constitute cause for discipline.
27
28

1 Respondent hereby gives up her right to contest that cause for discipline exists based on those
2 charges.

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

5 10. The admissions made by Respondent in this Stipulation are only for the purposes
6 of this proceeding, or any other proceedings in which the Board of Registered Nursing is
7 involved, and shall not be admissible in any other civil or criminal proceeding.
8

9 **CIRCUMSTANCES IN MITIGATION**

10 11. Respondent Marnie Jane Chavis Little has never been the subject of any disciplinary
11 action. She is admitting responsibility at an early stage in the proceedings.

12 **CONTINGENCY**

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

23 13. The parties understand and agree that facsimile copies of this Stipulated Settlement
24 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
25 effect as the originals.

26 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
3 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
4 writing executed by an authorized representative of each of the parties.

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

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Registered Nurse License No. 739373 issued to
10 Respondent Marnie Jane Chavis Little is revoked. However, the revocation is stayed and
11 Respondent is placed on probation for three (3) years on the following terms and conditions.

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

17 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
18 detailed account of any and all violations of law shall be reported by Respondent to the Board in
19 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
20 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
21 45 days of the effective date of the decision, unless previously submitted as part of the licensure
22 application process.

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

26 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with
27 the conditions of the Probation Program established by the Board and cooperate with
28 representatives of the Board in its monitoring and investigation of the Respondent's compliance

1 with the Board's Probation Program. Respondent shall inform the Board in writing within no
2 more than 15 days of any address change and shall at all times maintain an active, current license
3 status with the Board, including during any period of suspension.

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

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

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

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

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

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

26 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
27 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
28 6 consecutive months or as determined by the Board.

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

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

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

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

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

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

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

27 Respondent shall practice only under the direct supervision of a registered nurse in good
28 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods

1 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
2 approved.

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

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

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

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

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

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

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

25 Respondent shall not work in any health care setting as a supervisor of registered nurses.
26 The Board may additionally restrict Respondent from supervising licensed vocational nurses
27 and/or unlicensed assistive personnel on a case-by-case basis.
28

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

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

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

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

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

14 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with its
15 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
16 amount of \$6,000.00. Respondent shall be permitted to pay these costs in a payment plan
17 approved by the Board, with payments to be completed no later than three months prior to the end
18 of the probation term.

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

25 **12. Violation of Probation.** If Respondent violates the conditions of her probation, the
26 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
27 and impose the stayed discipline (revocation/suspension) of Respondent's license.
28

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

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

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

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

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

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

1 If Respondent is determined to be unable to practice safely as a registered nurse, the
2 licensed physician, nurse practitioner, or physician assistant making this determination shall
3 immediately notify the Board and Respondent by telephone, and the Board shall request that the
4 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
5 immediately cease practice and shall not resume practice until notified by the Board. During this
6 period of suspension, Respondent shall not engage in any practice for which a license issued by
7 the Board is required until the Board has notified Respondent that a medical determination
8 permits Respondent to resume practice. This period of suspension will not apply to the reduction
9 of this probationary time period.

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

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

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27 ///

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

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

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

22 **A. Participate in Treatment/Rehabilitation Program for Chemical**

23 **Dependence.** Respondent, at her expense, shall successfully complete during the
24 probationary period or shall have successfully completed prior to commencement
25 of probation a Board-approved treatment/rehabilitation program of at least six
26 months duration. As required, reports shall be submitted by the program on forms
27 provided by the Board. If Respondent has not completed a Board-approved
28 treatment/rehabilitation program prior to commencement of probation,

1 Respondent, within 45 days from the effective date of the decision, shall be
2 enrolled in a program. If a program is not successfully completed within the first
3 nine months of probation, the Board shall consider Respondent in violation of
4 probation.

5 Based on Board recommendation, each week Respondent shall be required
6 to attend at least one, but no more than five 12-step recovery meetings or
7 equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse
8 support group as approved and directed by the Board. If a nurse support group is
9 not available, an additional 12-step meeting or equivalent shall be added.

10 Respondent shall submit dated and signed documentation confirming such
11 attendance to the Board during the entire period of probation. Respondent shall
12 continue with the recovery plan recommended by the treatment/rehabilitation
13 program or a licensed mental health examiner and/or other ongoing recovery
14 groups.

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

25 Respondent shall identify for the Board a single physician, nurse
26 practitioner or physician assistant who shall be aware of Respondent's history of
27 substance abuse and will coordinate and monitor any prescriptions for Respondent
28 for dangerous drugs, controlled substances or mood-altering drugs. The

1 coordinating physician, nurse practitioner, or physician assistant shall report to the
2 Board on a quarterly basis Respondent's compliance with this condition. If any
3 substances considered addictive have been prescribed, the report shall identify a
4 program for the time limited use of any such substances.

5 The Board may require the single coordinating physician, nurse
6 practitioner, or physician assistant to be a specialist in addictive medicine, or to
7 consult with a specialist in addictive medicine.

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

18 In addition, Respondent, at any time during the period of probation, shall
19 fully cooperate with the Board or any of its representatives, and shall, when
20 requested, submit to such tests and samples as the Board or its representatives may
21 require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
22 controlled substances.

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

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

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

14 **ACCEPTANCE**

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

20
21 DATED: 12-12-2011 Marnie Jane Chavis Little
22 MARNIE JANE CHAVIS LITTLE
23 Respondent

24 I have read and fully discussed with Respondent Marnie Jane Chavis Little the terms and
25 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
26 I approve its form and content.

27 DATED: 12/12/11 [Signature]
28 Samuel Spital
Attorney for Respondent

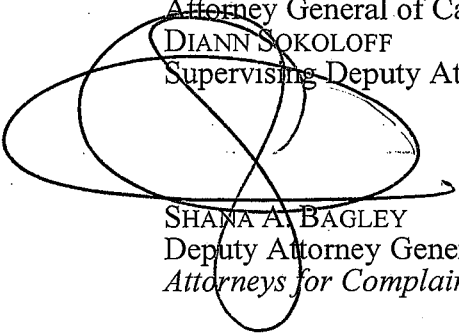
ENDORSEMENT

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

Dated: 13 December 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



SHANA A. BAGLEY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2011-904

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
4 State Bar No: 169423
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2129
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. **2011-904**

12 **MARNIE JANE CHAVIS LITTLE**
13 **1977 Smithflat Cemetery Road**
Placerville, CA 95667

ACCUSATION

14 **Registered Nurse License No. 739373**

15 Respondent.

16
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, 2008, the Board of Registered Nursing issued Registered
23 Nurse License Number 739373 to Marnie Jane Chavis Little (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought in this Accusation
25 and will expire on April 30, 2012, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board of Registered Nursing (Board),

3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Code section 118, subdivision (b), provides that the suspension, expiration, or
6 forfeiture of a license, or its suspension, forfeiture, or cancellation by order of the board or by
7 order of a court of law, or its surrender without the written consent of the board, shall not deprive
8 the board of its authority to take disciplinary action against the licensee.

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

12 6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
13 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
14 to render a decision imposing discipline on the license.

15 7. Under Code section 2811, subdivision (b), the Board may renew an expired license at
16 any time within eight years after the expiration.

17 STATUTORY PROVISIONS

18 8. Code section 2761 states, in pertinent part:

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

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

23 (1) Incompetence, or gross negligence in carrying out usual certified or
24 licensed nursing functions.

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9. Code section 2762 states, in pertinent part:

~~In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:~~

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

...

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

10. Code section 4022 provides:

"Dangerous drug" . . . means any drug or device unsafe for self use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

11. Code section 4059, subdivision (a), provides, in pertinent part, that "[n]o person shall furnish any dangerous drug, except upon the prescription of a physician . . ."

12. Code section 4060 provides, in pertinent part that "[n]o person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician . . ."

REGULATORY PROVISIONS

13. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to

1 provide care or to exercise ordinary precaution in a single situation which the nurse
2 knew, or should have known, could have jeopardized the client's health or life.

3 14. California Code of Regulations, title 16, 1443.5 states, in pertinent part:

4 ~~A registered nurse shall be considered to be competent when he/she~~
5 consistently demonstrates the ability to transfer scientific knowledge from social,
6 biological and physical sciences in applying the nursing process, as follows:

7 (1) Formulates a nursing diagnosis through observation of the client's
8 physical condition and behavior, and through interpretation of information
9 obtained from the client and others, including the health team.

10 (5) Evaluates the effectiveness of the care plan through observation of the
11 client's physical condition and behavior, signs and symptoms of illness, and
12 reactions to treatment and through communication with the client and health team
13 members, and modifies the plan as needed.

14 COST RECOVERY

15 15. Code section 125.3 provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 DRUGS

20 16. **Dexedrine** is the trade name for generic drug Dextroamphetamine sulfate. It is a
21 Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision
22 (d)(1), and a dangerous drug pursuant to Business and Professions Code section 4022.

23 17. **Dilaudid** is the trade name for generic drug Hydromorphone. It is a Schedule II
24 controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(K),
25 and a dangerous drug pursuant to Business and Professions Code section 4022.

26 18. **Duragesic** is the trade name for generic drug Fentanyl. It is a Schedule II controlled
27 substance pursuant to Health and Safety Code section 11055, subdivision (c)(8), and a dangerous
28 drug pursuant to Business and Professions Code section 4022.

19. **Lorazepam** is the generic name for the trade drug Ativan and is primarily used for
the treatment of anxiety. It is a Schedule IV controlled substance pursuant to Health and Safety

1 Code section 11057, subdivision (d)(16), and a dangerous drug pursuant to Business and
2 Professions Code section 4022.

3 20. **Morphine Sulfate and Morphine** are opium derivatives. They are Schedule II
4 controlled substances and narcotics as defined by Health and Safety Code section 11055,
5 subdivision (b)(1)(M), and "dangerous drugs" pursuant to Business and Professions Code section
6 4022.

7 21. **Norco** is the generic drug name for **Hydrocodone Bitartrate and Acetaminophen**.
8 Norco is a semisynthetic narcotic analgesic with multiple actions qualitatively similar to those of
9 Morphine. It is a Schedule II controlled substance and narcotic as defined by Health and Safety
10 Code section 11055, subdivision (b)(1)(J), and "dangerous drugs" pursuant to Business and
11 Professions Code section 4022.

12 22. **Percocet** is the trade name for the generic drug **Oxycodone/APAP** and is comprised
13 of Oxycodone with Acetaminophen. Percocet is a white odorless crystalline powder derived from
14 the opium alkaloid, thebaine, and is a semisynthetic narcotic analgesic with multiple actions
15 qualitatively similar to those of Morphine. It is a Schedule II controlled substance and narcotic as
16 defined by Health and Safety Code section 11055, subdivision (b)(1)(N), and a "dangerous drug"
17 pursuant to Business and Professions Code section 4022.

18 **FACTUAL STATEMENT**

19 23. From August 11, through November 2008, Respondent was employed as a registered
20 nurse by Mercy Hospital in Sacramento, California. Respondent was terminated in November of
21 2008 due to suspicion of drug diversion.

22 24. In October and November 2008, during the course and scope of her employment as a
23 registered nurse at Mercy Hospital, Respondent obtained doses of controlled substances from
24 OMNICELL¹ allegedly for administration to patients. However, Respondent failed to chart the
25 wastage of or otherwise account for the medication on the patient's medication administration

26 _____
27 ¹ OMNICELL is a system for the automated dispensing and management of medications
28 at the point of use in hospital settings.

1 record (MAR) and/or withdrew the medication earlier than prescribed by the physician. The 15
2 discrepancies are summarized as follows:

PATIENT ID ²	DATE	TIME REMOVED FROM OMNICELL	TIME GIVEN TO PATIENT	DRUG REMOVED FROM OMNICELL	DISCREPANCY
A	10/20/08	1005 hours	None	1 dose Duragesic patch 25 mcgs	Failed to enter in MAR that she administered or otherwise accounted for the drugs
A	10/20/08	1526 hours	None	1 dose Duragesic patch 25 mcgs	Failed to enter in MAR that she administered or otherwise accounted for the drugs
B	10/28/08	0909 hours	None	1 dose Morphine 4 mg/ 1 ml syringe	Failed to enter in MAR that she administered or otherwise accounted for the drugs
B	10/28/08	1207 hours	None	1 dose Morphine 4 mg/ 1 ml syringe.	Failed to enter in MAR that she administered or otherwise accounted for the drugs
B	10/28/08	1340 hours	None	1 dose Morphine 4 mg/ 1 ml syringe	Failed to enter in MAR that she administered or otherwise accounted for the drugs

27 ² All patients are identified by letter in order to preserve patient confidentiality. The
28 medical record numbers of these patients will be disclosed pursuant to a request for discovery.

PATIENT ID	DATE	TIME REMOVED FROM OMNICELL	TIME GIVEN TO PATIENT	DRUG REMOVED FROM OMNICELL	DISCREPANCY
C	11/6/08	0902 hours	None	2 tablets Percocet 5/325 mg	Failed to enter in MAR that she administered or otherwise accounted for the drugs
C	11/06/08	1210 hours	None	2 tablets Percocet 5/325 mg	Failed to enter in MAR that she administered or otherwise accounted for the drugs
C	11/06/08	1708 hours	None	2 tablets Percocet 5/325 mg	Failed to enter in MAR that she administered or otherwise accounted for the drugs
D	11/07/08	0832 hours	None	2 tablets Norco 5/325 mg	Failed to enter in MAR that she administered or otherwise accounted for the drugs
D	11/07/08	1847 hours	None	2 tablets Norco 5/325 mg	Failed to enter in MAR that she administered or otherwise accounted for the drugs
D	11/06/08	1212 hours	None	1 dose Morphine 4 mg/ 1 ml syringe	Failed to enter in MAR that she administered or otherwise accounted for the drugs
					Nursing Notes indicate pain scale of 2/10 at 1200 hours

PATIENT ID	DATE	TIME REMOVED FROM OMNICELL	TIME GIVEN TO PATIENT	DRUG REMOVED FROM OMNICELL	DISCREPANCY
D	11/07/08	0831 hours	None	1 dose Morphine 4 mg/ 1 ml syringe	Failed to enter in MAR that she administered or otherwise accounted for the drugs
D	11/07/08	1532 hours	None	1 dose Morphine 4 mg/ 1 ml syringe	Failed to enter in MAR that she administered or otherwise accounted for the drugs
E	11/11/08	1200 hours	1400 hours	1 tablet Dexedrine 5 mg	Was not to be administered until 1400 hours Charted on PACU that drugs removed at 1230 hours
F	11/02/08	1551 hours	None	1 dose Morphine 4 mg/ 1 ml syringe	Failed to enter in MAR that she administered or otherwise accounted for the drugs

25. From in or about December 2008, through February 17, 2009, Respondent was employed as a registered nurse by the University of San Francisco Medical Center in San Francisco, California. Respondent was terminated on or about February 17, of 2009 due to suspected diversion of narcotics.

26. From on or about January 16, through January 23, 2009, during the course and scope of her employment as a registered nurse at the University of San Francisco Medical Center, Respondent obtained doses of controlled substances from PYXIS³ allegedly for administration to patients. However, Respondent failed to chart the wastage of or otherwise account for the

³ PYXIS is a system for the automated dispensing and management of medications at the point of use in hospital settings.

1 medication on the patient's MAR, withdrew the medication earlier than prescribed by the
 2 physician, the charting notes were illegible and/or unintelligible, and she failed to enter in the
 3 Nursing Notes a complete patient assessment as to need for and effectiveness of the medication.

4 The 12 discrepancies are summarized as follows:

PATIENT ID ⁴	DATE	TIME REMOVED FROM PYXIS	TIME GIVEN TO PATIENT	DRUG REMOVED FROM PYXIS	DISCREPANCY
1	1/16/09	1755 hours	1800 hours	1 dose Dilaudid 1 mg/ 1 ml	Charting Notes are incomplete and unintelligible
1	1/16/09	1834 hours	1900 hours	1 dose Dilaudid 1 mg/ 1 ml	Charting Notes are incomplete and unintelligible Physician's order authorized the drug removal at hourly intervals as needed (1900 hours) but Respondent removed the drugs 26 minutes early
2	-	-	-	-	<i>Data from Patient 2 is omitted</i>
3	1/22/09	2325 hours	None	1 dose Zolpidem 5 mg	Failed to enter in MAR that she administered or otherwise accounted for the drugs

26 _____
 27 ⁴ All patients are identified by number in order to preserve patient confidentiality. The
 28 medical record numbers of these patients will be disclosed pursuant to a request for discovery.

PATIENT ID	DATE	TIME REMOVED FROM PYXIS	TIME GIVEN TO PATIENT	DRUG REMOVED FROM PYXIS	DISCREPANCY
4	1/14/09	0900 hours	None	2 tablets Percocet 5 mg	<p>Failed to enter in MAR that she administered or otherwise accounted for the drugs</p> <p>Failed to enter in Nursing Notes a complete patient assessment as to need for and effectiveness of drugs</p>
5	1/16/09	0716 hours	0720 hours	1 dose Hydro-morphone 1 mg/ 1 ml syringe	<p>Charting Notes are incomplete and unintelligible</p> <p>Time of drug administration entered on wrong line</p> <p>Failed to enter in Nursing Notes a complete patient assessment as to need for and effectiveness of drugs</p>

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PATIENT ID ⁵	DATE	TIME REMOVED FROM PYXIS	TIME GIVEN TO PATIENT	DRUG REMOVED FROM PYXIS	DISCREPANCY
5	1/16/09	0734 hours	None	1 dose Hydro-morphone 1 mg/ 1 ml syringe	Failed to enter in MAR that she administered or otherwise accounted for the drugs Failed to enter in Nursing Notes a complete patient assessment as to need for and effectiveness of drugs Physician's order authorized the drug removal at hourly intervals as needed (0834 hours) but Respondent removed the drugs 42 minutes early
5	1/16/09	1024 hours	None	1 dose Hydro-morphone 1 mg/ 1 ml syringe	Failed to enter in MAR that she administered or otherwise accounted for the drugs Failed to enter in Nursing Notes a complete patient assessment as to need and effectiveness of drugs

⁵ All patients are identified by number in order to preserve patient confidentiality. The medical record numbers of these patients will be disclosed pursuant to a request for discovery.

PATIENT ID ⁶	DATE	TIME REMOVED FROM PYXIS	TIME GIVEN TO PATIENT	DRUG REMOVED FROM PYXIS	DISCREPANCY
6	1/23/09	2014 hours	None	2 tablets Norco 10/325 mg	Failed to enter in MAR that she administered or otherwise accounted for the drugs Failed to enter in Nursing Notes a complete patient assessment as to need for drugs
6	1/23/09	2127 hours	None	1 tablet Lorazepam 1 mg PO/IV	Failed to enter in MAR that she administered or otherwise accounted for the drugs Failed to enter in Nursing Notes a complete patient assessment as to need for and effectiveness of drugs
6	1/23/09	2135 hours	None	1 tablet Zolpidem 5 mg	Failed to enter in MAR that she administered or otherwise accounted for the drugs Failed to enter in Nursing Notes a complete patient assessment as to need for and effectiveness of drugs

⁶ All patients are identified by number in order to preserve patient confidentiality. The medical record numbers of these patients will be disclosed pursuant to a request for discovery.

PATIENT ID ⁷	DATE	TIME REMOVED FROM PYXIS	TIME GIVEN TO PATIENT	DRUG REMOVED FROM PYXIS	DISCREPANCY
7	1/18/09	1808 hours	None	2 tablets Percocet 5 mg	Failed to enter in MAR that she administered or otherwise accounted for the drugs Failed to enter in Nursing Notes a complete patient assessment as to need for and effectiveness of drugs Nursing Notes indicate that from 1801 to 2100 hours patient denied having pain

FIRST CAUSE FOR DISCIPLINE

**(Unprofessional Conduct: Gross Negligence)
(Business and Professions Code §2761(a))**

27. Respondent has subjected her registered nursing license to discipline under Code section 2761, subdivision (a)(1), for unprofessional conduct as defined by California Code of Regulations, title 16, section 1442, in that she committed acts of gross negligence in carrying out her usual certified or licensed nursing functions by committing the following acts:

a. On the occasions more particularly set forth in Paragraph 24, above, as to Patients A through D and F, and Paragraph 26, as to Patients 4 through 7, she failed to comply with the Standards of Competent Performance as defined by California Code of Regulations, title 16, section 1443.5 by administering narcotic medications to patients without proper documentation,

⁷ All patients are identified by number in order to preserve patient confidentiality. The medical record numbers of these patients will be disclosed pursuant to a request for discovery.

1 including the failure to chart the dosage administered, the time of administration, and wastage or
2 otherwise account for the administration of the medication.

3 b. On the occasions more particularly set forth in Paragraphs 24 and 26, above, she
4 knew or should have known that obtaining, possessing, or administering controlled substances
5 other than as prescribed by a licensed physician could have jeopardized the health or life of
6 patient(s), self, and others by exposure to highly addictive and potentially harmful or lethal
7 medication.

8 c. On the occasions more particularly set forth in Paragraphs 24 and 26, above, she
9 knew or should have known that creating false, incorrect, inaccurate, incomplete, inconsistent, or
10 unintelligible entries in patient or hospital records could jeopardize the health or life of the patient
11 by confusing or misleading other health care providers as to the patients' condition and need for
12 medications and treatments. Failure to accurately track and account for highly addictive and
13 potentially harmful or lethal medications could have jeopardized the health or life of patients, and
14 endangered others by exposure to dangerous drugs.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Obtaining and/or Possessing Controlled Substances or Dangerous Drugs)**
17 **(Business and Professions Code §§ 2761(a) and 2762(a))**

18 14. Respondent has subjected her registered nursing license to discipline under Code
19 section 2761, subdivision (a), for unprofessional conduct as defined by Code section 2762,
20 subdivision (a), in that she obtained controlled substances and dangerous drugs other than as
21 prescribed by a physician in violation of Code section 4059 and 4060, as set forth in Paragraphs
22 23- 24, above, as to Patients A through F and in Paragraphs 25-26, above, as to Patients 1 and 3
23 through 7

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Falsified or Incorrect or Inconsistent Entries in Records)**
26 **(Business and Professions Code §§ 2761(a) and 2762(e))**

27 28. Respondent has subjected her registered nursing license to discipline under Code
28 section 2761, subdivision (a), for unprofessional conduct as defined by Code section 2761,
subdivision (e), and Health and Safety Code section 11190, in that while employed as a registered

1 nurse at Mercy Hospital in Sacramento, California, she made false, grossly incorrect, and/or
2 grossly inconsistent entries in hospital, patient, or other records pertaining to controlled
3 substances and dangerous drugs. On the occasions more particularly set forth in Paragraphs 23-
4 24, above, as to Patients A through F and in Paragraphs 25-26, above, as to Patients 1 and 3
5 through 7, she committed the following acts:

6 a. She administered narcotic medications to patients without proper documentation,
7 including dosage administered, time of administration, wastage, or otherwise accounting for
8 medication;

9 b. She removed the medication before the physician's orders authorized its
10 administration;

11 c. She charted the administration of medication two hours after the medication was
12 withdrawn;

13 d. Her Charting Notes were incomplete and unintelligible; and

14 e. She Administered narcotic medications to patients without proper documentation of
15 pre and post administration patient assessments to demonstrate the need for and effectiveness of
16 the medication.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
19 Accusation and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 739373, issued to Marnie
21 Jane Chavis Little;

22 2. Ordering Marnie Jane Chavis Little to pay the Board of Registered Nursing the
23 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
24 Professions Code section 125.3; and

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

DATED: 5/29/11

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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