

**BEFORE THE
RESPIRATORY CARE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

PATI VAREE BURTON
7625 N. First Street, Apt. 176
Fresno, CA 93720

Case No.: 1H 2012 493

OAH No.: 2012110514

DECISION AND ORDER

The attached proposed Decision of the Administrative Law Judge is hereby adopted by the Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on March 21, 2013.

It is so ORDERED March 14, 2013.

Original signed by:

CHARLES B. SPEARMAN, MEd, RCP, RRT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

PATTI VAREE BURTON

Respiratory Care Practitioner
License No. 5741

Respondent.

Case No. 1H 2012 493

OAH No. 2012110514

CORRECTED PROPOSED DECISION

Administrative Law Judge Cheryl R. Tompkin, State of California, Office of Administrative Hearings, heard this matter on December 17, 2012, in Oakland, California.

Catherine E. Santillan, Senior Legal Analyst, represented complainant Stephanie Nunez, Executive Officer, Respiratory Care Board.

Respondent Patti Varee Burton appeared on her own behalf.

The matter was submitted for decision on December 17, 2012.

FACTUAL FINDINGS

1. Stephanie Nunez (complainant) made the accusation in her official capacity as Executive Officer of the Respiratory Care Board (board).

2. On June 28, 1985, the board issued Respiratory Care Practitioner License No. 5741 to Patti Varee Burton (respondent). The license is in an inactive and suspended status and will expire on July 31, 2014, unless renewed.

3. On October 23, 2012, the board filed a petition with the Office of Administrative Hearings seeking an interim order suspending the respiratory care practitioner license issued to respondent. Thereafter, respondent agreed to a voluntary suspension of her respiratory care license. On October 26, 2012, the undersigned Administrative Law Judge

signed an order suspending respondent's license pending resolution of the administrative proceeding.

4. The board seeks to discipline respondent's respiratory care practitioner license for working as a respiratory care practitioner while under the influence of alcohol.

5. Respondent was employed as a respiratory care practitioner at Community Medical Centers in Fresno, California from June 1992 to June 18, 2012, when her employment was terminated. At the time of her termination, respondent was serving as a Respiratory Care Asthma Educator and Case Manager; she performed administrative tasks and saw patients. Respondent estimates that during the last two years of her employment 70 percent of her time was spent on administrative tasks and 30 percent was spent seeing patients. Respondent's administrative duties included making presentations to the public about asthma, chart review, generating reports, community outreach and managing staff. Respondent typically saw patients, most of whom were indigent, in a one-on-one setting. She would take their medical history, educate them about asthma and help coordinate their care, including assisting with physician contact, facilitating medication refills and coordinating other testing. Respondent would sometimes see up to 15 patients per week.

6. The parties stipulated to the following facts:

On or about June 18, 2012, respondent was employed as a Respiratory Care Asthma Educator at Community Medical Centers in Fresno, California. Respondent's position required a respiratory care practitioner license. She was in the workplace at approximately 8:00 a.m. for her regular work shift which ended at 4:30 p.m. Respondent's duties included working at two locations, and seeing clients by appointment for education and case management. She also handled administrative duties.

On or about the early afternoon of June 18, 2012, T., respondent's co-worker, observed that respondent's breath smelled of alcohol. She observed that respondent was unsteady on her feet, and her movements were shaky. Respondent carried a lemonade beverage throughout the day, continually drinking from it. When T. smelled the beverage, she detected the odor of alcohol. T. opened a cabinet in respondent's desk, and saw a bottle of vodka in respondent's purse. T. informed a co-worker of her observations.

Respondent was removed from the workplace and escorted to Employee Health Services to submit a biological fluid sample. Respondent admitted to the physician's assistant on duty that respondent had ingested alcohol in the workplace. Her blood sample was positive for alcohol in the amount of 0.354%. Respondent's employer also tested the contents of the beverage

respondent was drinking that day. The beverage tested positive for alcohol in the amount of 14 % alcohol weight by volume.

Respondent agrees that cause exists to discipline her Respiratory Care Practitioner License.

7. At hearing respondent accepted responsibility for her behavior. She expressed embarrassment and remorse for her conduct, and thankfulness that no one was physically hurt. Respondent explained that during the past few years her professional and personal lives have been difficult. Professionally, her job became more stressful due to required outcome performance measures and additional responsibilities. Personally, she had to make the painful decision to send her daughter to live with her father, she experienced financial problems that ultimately resulted in the foreclosure of her home, and a three year personal relationship ended. Respondent's answer to her problems was to drink. Initially, she only drank socially, but her social drinking escalated into "weekend escapes" and finally into frequent alcohol consumption that she could not control. In February 2012 respondent sought to enter an inpatient treatment program but was not able to do so because her insurer denied coverage. She instead participated in an outpatient program and remained sober for 50 days before relapsing and having wine at a get-together with friends. Respondent has since had several dry spells and relapses, but has been able to refrain from tipsiness, binges or drunkenness. Her most recent sobriety date is October 6, 2012. At the time of the hearing she had been sober 73 days.

Respondent admits she is an alcoholic and that she still struggles to maintain her sobriety. However, respondent is committed to doing so. She is attending 90 Alcoholic Anonymous (AA) meetings in 90 days and is working with two sponsors. She is also motivated to stay sober by her desire to return to work as a respiratory care practitioner. Respondent loves working as a respiratory care practitioner and the opportunity it provides her to help others. She notes that prior to the June 18 incident, she had a very positive career that included serving 12 years as an asthma educator and case manager, providing asthma education to other respiratory care practitioners, nurses, resident doctors, child care providers and the public, and serving as a program coordinator for a First 5 Fresno County Asthma grant. Respondent requests that she be given the opportunity to continue to work as a respiratory care practitioner and to earn back the respect of her colleagues.

8. Respondent submitted several certificates and letters of appreciation from individuals and groups for her work as a respiratory care practitioner. She also submitted several character letters. Four of the letters are from colleagues who have worked with respondent professionally. All of the letters attest to the fact that respondent cares deeply about her asthma patients and their families, is willing to go beyond the call of duty for her patients and to help her colleagues, and is a valuable community resource.

Two of the letters are from respondent's sponsors Kara B. and Karen B. Both opine that respondent is a very caring and responsible person, and that she is very motivated and willing to do whatever is necessary to maintain her sobriety and her respiratory care practitioner license.

9. Pursuant to Business and Professions Code section 3753.5, an administrative law judge may direct any practitioner found to have committed a violation or violations of law to pay a sum not to exceed the costs of the investigation and enforcement of the case.

The board certifies that the following costs were incurred in connection with the investigation and prosecution of the accusation as of December 12, 2012:

Paralegal:

2012-2013 20 hours @ \$120/hour \$2,400.00

TOTAL COSTS INCURRED: \$2,400.00

10. Respondent testified she has not worked since June 2012. She lost her home in foreclosure in March 2012 and is currently sharing an apartment with a roommate to reduce expenses. She has spent all of her savings and previously cashed in an annuity to pay her rent. She will be without funds when the money from the annuity runs out. She is on the verge of bankruptcy.

LEGAL CONCLUSIONS

1. Business and Professions Code section 3750.5, subdivision (b), authorizes the board to take disciplinary action against a license holder who has used alcoholic beverages to an extent or in a manner dangerous or injurious to herself, or to others, or that impaired her ability to conduct with safety the practice authorized by her license.

Business and Professions Code section 3750.5, subdivision (c), authorizes the board to take disciplinary action against a license holder who has worked in any health care profession or environment while under the influence of alcohol.

Cause for license discipline exists pursuant to Business and Professions Code section 3750.5, subdivisions (b) and (c), in that respondent worked at a medical center while under the influence of alcohol, as set forth in Factual Finding 6.

2. Business and Professions Code section 3755 authorizes the board to take disciplinary action against a licensee for unprofessional conduct. Section 3755 defines unprofessional conduct to include a violation of any provision of Business and Professions Code section 3750. Business and Professions Code 3750, subdivision (g), authorizes license discipline for a violation of any provision of Division 2, which includes Business and Professions Code section 3750.5. Respondent violated Business and Professions Code section 3750.5, subdivisions (b) and (c), as set forth in Legal Conclusion 1.

Cause for license discipline exists pursuant to Business and Professions Code section 3755 for violation of Business and Professions Code section 3750.5, by reason of the matters set forth in Factual Finding 6 and Legal Conclusion 1.

3. Although respondent engaged in misconduct when she worked while under the influence of alcohol, it is nevertheless determined that revocation of her respiratory care practitioner license is not required. Respondent has been a respiratory care practitioner for over 25 years. She has no prior history of license discipline and her reputation in the respiratory care practitioner community is that of an excellent practitioner, who cares deeply about her clients and her profession. Respondent readily admits her misconduct and has accepted responsibility for her actions. She has also taken action to address her alcohol problem by enrolling in treatment programs, attending AA and obtaining a sponsor. After considering all of the evidence, it is determined that it would not be against the public interest to permit respondent to retain her respiratory care practitioner license upon appropriate terms and conditions, including requiring respondent to work under supervision and to submit to alcohol/drug testing.

4. Business and Professions Code section 3753.5 provides that respondent may be ordered to pay the board's costs of the investigation and enforcement of the case. Claimant has established that the costs of investigation and enforcement are \$2,400. The case of *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, sets forth the factors to be considered in determining the reasonableness of costs. Those factors include whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay and whether the scope of the investigation was appropriate to the alleged misconduct.

Respondent did not challenge the factual allegations and none were dismissed. The scope of the investigation was appropriate to the misconduct. However, respondent is unemployed and without income. She has exhausted her savings and is living on the proceeds of an annuity policy she cashed in. And her clear motivation in seeking a hearing was to present mitigation evidence to attempt to salvage her career so that she can continue to work as a respiratory care practitioner. Consideration of all these factors results in the determination that it is reasonable to reduce the costs to \$1,500.

ORDER

Respiratory Care Practitioner License Number 5741 issued to respondent Patti Varee Burton is hereby revoked. However, the revocation is stayed and respondent is placed on probation for three (3) years on the following terms and conditions:

1. **OBEY ALL LAWS** - Respondent shall obey all laws, whether federal, state, or local. Respondent shall also obey all regulations governing the practice of respiratory care in California.

Respondent shall notify the Board in writing within three (3) days of any incident resulting in her arrest, or charges filed against, or a citation issued against, respondent.

2. **QUARTERLY REPORTS** - Respondent shall file quarterly reports of compliance under penalty of perjury, on forms to be provided, to the probation monitor assigned by the Board. Omission or falsification in any manner of any information on these reports shall constitute a violation of probation and shall result in the filing of an accusation and/or a petition to revoke probation against respondent's respiratory care practitioner license.

Quarterly report forms will be provided by the Board. Respondent is responsible for contacting the Board to obtain additional forms if needed. Quarterly reports are due for each year of probation and the entire length of probation as follows:

For the period covering January 1st through March 31st, reports are to be completed and submitted between April 1st and April 7th.

For the period covering April 1st through June 30th, reports are to be completed and submitted between July 1st and July 7th.

For the period covering July 1st through September 30th, reports are to be completed and submitted between October 1st and October 7th.

For the period covering October 1st through December 31st, reports are to be completed and submitted between January 1st and January 7th.

Failure to submit complete and timely reports shall constitute a violation of probation.

3. **PROBATION MONITORING PROGRAM** - Respondent shall comply with requirements of the Board appointed probation monitoring program, and shall, upon reasonable request, report to or appear to a local venue as directed.

Respondent shall claim all certified mail issued by the Board, respond to all notices of reasonable requests timely, appear as requested by the Board, and submit Annual Reports, Identification Update reports or other reports similar in nature, as requested and directed by the Board or its representative.

Respondent shall provide to the Board the names, physical work addresses, work mailing addresses, telephone numbers, and e-mail addresses of all

employers, human resources personnel, directors, managers, supervisors, and contractors, and any person providing direct supervision, and shall give specific, written consent that the Respondent authorizes the Board and its representatives and the employers, human resources personnel, directors, managers, supervisors, and contractors, and any person providing direct supervision, to communicate regarding the Respondent's work status, performance, and monitoring. Monitoring includes, but is not limited to, any violation or potential violation of any probationary term and condition.

Respondent is encouraged to contact the Board's Probation Program any time she has a question or concern regarding her terms and conditions of probation.

4. **PROBATION MONITORING COSTS** - All costs incurred for probation monitoring during the entire probation shall be paid by respondent. The monthly cost may be adjusted as expenses are reduced or increased. Respondent's failure to comply with all terms and conditions may also cause this amount to be increased. Probation monitoring costs will not be tolled.

All payments for costs are to be sent directly to the Respiratory Care Board and must be received by the date(s) specified. (Periods of tolling will not toll the probation monitoring costs incurred.)

If respondent is unable to submit costs for any month, she shall be required, instead to submit an explanation of why she is unable to submit the costs, and the date she will be able to submit the costs including payment amount(s). Supporting documentation and evidence of why respondent is unable to make such payment(s) must accompany this submission.

Respondent understands that failure to submit costs timely is a violation of probation and submission of evidence demonstrating financial hardship does not preclude the Board from pursuing further disciplinary action. However, respondent understands that by providing evidence and supporting documentation of financial hardship it may delay further disciplinary action.

In addition to any other disciplinary action taken by the Board, an unrestricted license will not be issued at the end of the probationary period and the respiratory care practitioner license will not be renewed, until such time as all probation monitoring costs have been paid.

The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to reimburse the Board for costs incurred.

5. **EMPLOYMENT REQUIREMENT** - Respondent shall be employed a minimum of 24 hours per week as a respiratory care practitioner for a minimum of 2/3 of her probation period.

Respondent may substitute successful completion of a minimum of thirty (30) additional continuing education hours, beyond that which is required for license renewal, for each 8 months of employment required. Respondent shall submit proof to the Board of successful completion of all continuing education requirements. Respondent is responsible for paying all costs associated with fulfilling this term and condition of probation.

6. NOTICE TO EMPLOYER - Respondent shall be required to inform her employer, and each subsequent employer during the probation period, of the discipline imposed by this decision by providing her supervisor and director and all subsequent supervisors and directors with a copy of the decision and order, and the Statement(s) of Issues or Accusation(s) in this matter prior to the beginning of or returning to employment or within 14 days from each change in a supervisor or director.

If respondent is employed by or through a registry [and is not restricted from working for a registry], respondent shall make each hospital or establishment to which she is sent aware of the discipline imposed by this decision by providing her direct supervisor and administrator at each hospital or establishment with a copy of this decision, and the Statement(s) of Issues or Accusation(s) in this matter prior to the beginning of employment. This must be done each time there is a change in supervisors or administrators.

The employer will then inform the Board, in writing, that employer is aware of the discipline, on forms to be provided to the respondent. Respondent is responsible for contacting the Board to obtain additional forms if needed. All reports completed by the employer must be submitted from the employer directly to the Board.

Respondent shall execute a release authorizing the Board or any of its representatives to review and obtain copies of all employment records and discuss and inquire of the probationary status with any of respondent's supervisors or directors.

7. SUPERVISOR QUARTERLY REPORTS - Supervisor Quarterly Reports of Performance are due for each year of probation and the entire length of probation from each employer, as follows:

For the period covering January 1st through March 31st, reports are to be completed and submitted between April 1st and April 7th.

For the period covering April 1st through June 30th, reports are to be completed and submitted between July 1st and July 7th.

For the period covering July 1st through September 30th, reports are to be completed and submitted between October 1st and October 7th.

For the period covering October 1st through December 31st, reports are to be completed and submitted between January 1st and January 7th.

Respondent is ultimately responsible for ensuring her employer(s) submits complete and timely reports.

8. CHANGES OF EMPLOYMENT OR RESIDENCE - Respondent shall notify the Board, and appointed probation monitor, in writing, of any and all changes of employment, location, and address within three (3) days of such change. This includes but is not limited to applying for employment, termination or resignation from employment, change in employment status, or change in supervisors, administrators or directors.

Respondent shall also notify her probation monitor AND the Board IN WRITING of any changes of residence or mailing address within three (3) days. P.O. Boxes are accepted for mailing purposes, however respondent must also provide her physical residence address as well.

9. COST RECOVERY - Respondent shall pay to the Board a sum not to exceed the costs of the investigation and prosecution of this case. That sum shall be \$1,500 and shall be paid in full directly to the Board, in equal quarterly payments, within 12 months from the effective date of this decision. Cost recovery will not be tolled.

If respondent is unable to submit costs timely, she shall be required, instead to submit an explanation of why she is unable to submit these costs in part or in entirety, and the date(s) she will be able to submit the costs including payment amount(s). Supporting documentation and evidence of why respondent is unable to make such payment(s) must accompany this submission.

Respondent understands that failure to submit costs timely is a violation of probation and submission of evidence demonstrating financial hardship does not preclude the Board from pursuing further disciplinary action. However, respondent understands that providing evidence and supporting documentation of financial hardship may delay further disciplinary action.

Consideration to financial hardship will not be given should respondent violate this term and condition, unless an unexpected AND unavoidable hardship is established from the date of this order to the date payment(s) is due.

The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to reimburse the Board for these costs.

10. TOLLING FOR OUT-OF-STATE RESIDENCE OR PRACTICE - Periods of residency or practice outside California, whether the periods of residency or practice are temporary or permanent, will toll the probation period but will not

toll the obey all laws, quarterly reports, probation monitoring program, probation monitoring costs, or cost recovery requirements. Travel out of California for more than 30 days must be reported to the Board in writing prior to departure. Respondent shall notify the Board, in writing, within three (3) days, upon her return to California and prior to the commencement of any employment where representation as a respiratory care practitioner is/was provided.

Respondent's license will automatically be cancelled if respondent's cumulative period tolling is greater than five (5) years. However, the cancellation of the license does not relieve respondent from outstanding cost recovery or probation monitoring costs.

11. **VALID LICENSE STATUS** - Respondent shall maintain a current, active and valid license for the length of the probation period. Failure to pay all fees and meet CE requirements prior to her license expiration date shall constitute a violation of probation.
12. **WORK SCHEDULES** – Respondent shall be required to submit to the probation monitor work schedules on a monthly basis for the length of probation for each and every place of employment. Respondent shall ensure the Board has a copy of her current work schedule at all times for each place of employment.
13. **BIOLOGICAL FLUID TESTING** - Respondent, at her expense, shall participate in random testing, including but not limited to biological fluid testing (i.e. urine, blood, saliva), breathalyzer, hair follicle testing, or any drug screening program approved by the Board.

Respondent shall be required to make daily contact, to determine if she is required to submit a specimen for testing, each day, including weekends, holidays, and vacations in or outside of California, at a lab approved by the Board. Board representatives may also appear unannounced, at any time to collect a specimen. All collections will be observed.

At all times, respondent shall fully cooperate with the Board or any of its representatives, and shall, when directed, appear for testing as requested and submit to such tests and samples for the detection of alcohol, narcotics, hypnotic, dangerous drugs or other controlled substances. All alternative testing sites, due to vacation or travel outside of California must be approved by the Board, 30 days prior to the vacation or travel.

If respondent is unable to provide a specimen in a reasonable amount of time from the request, while at the work site, respondent understands that any Board representative may request from the supervisor, manager or director on duty to observe respondent in a manner that does not interrupt or jeopardize

patient care in any manner until such time respondent provides a specimen acceptable to the Board.

If respondent tests positive for a banned substance (including testing positive for ETG), the Board will contact respondent and her employers, human resources personnel, directors, managers, supervisors, and/or contractors and notify them of the positive test, including the substance(s) and levels detected. Thereafter, the Board may contact the specimen collector, laboratory, respondent, treating physician, treatment provider and/or support group facilitators to determine whether the positive test is evidence of prohibited use. If the Board determines the positive test is not evidence of prohibited use, the Board shall inform respondent and others previously contacted, that the positive test was not a violation of her probationary order.

14. **ABSTENTION FROM USE OF MOOD ALTERING SUBSTANCES** – For purposes of these terms and conditions, a banned substance includes alcohol, marijuana, controlled substances and any and all other mood altering drugs and substances. Respondent shall completely abstain from the possession or use of all banned substances and their associated paraphernalia. Respondent may take other medication when lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Respondent shall provide the Board a copy of a prescription within five (5) days of the date the prescription was filled.

Respondent shall execute a release authorizing the release of pharmacy and prescribing records as well as physical and mental health medical records. Respondent shall also provide information of treating physicians, counselors or any other treating professional as requested by the Board. Respondent shall ensure that she is not in the presence of or in the same physical location as individuals who are using illegal substances, even if respondent is not personally ingesting the drug(s). Respondent shall also ensure she is not ingesting or using any product that contains trace amounts of alcohol or any other banned substances (including but not limited to: cold/flu medications, cough syrups, diet pills/products, mouth wash, skin care or hygiene products, perfumes, poppy seeds, dessert or any foods, etc.)

15. **DIRECT SUPERVISION** - During the period of probation, respondent shall be under the direct supervision of a person holding a current and valid non-restricted Board license, who has not previously been disciplined by the Board. Respondent shall not have a financial, personal, or familial relationship with the licensee, or other relationship that could reasonably be expected to compromise the ability to provide supervision and render impartial and unbiased reports to the Board.

Respondent shall be required to provide a copy of the Accusation and decision in this matter and the person providing the direct supervision shall inform the Board in writing that he/she is aware of the discipline. "Under the direct supervision" means assigned to a respiratory care practitioner who is on duty and immediately available in the assigned patient area. The Board shall be informed in writing of and approve the level of supervision provided to respondent while she is functioning as a licensed respiratory care practitioner. The appropriate level of supervision must be approved by the Board prior to commencement of work.

Respondent shall be required to submit to the probation monitor work schedules on a monthly basis for the length of probation and identify who is providing supervision for each shift. Respondent shall ensure the Board has a copy of her current work schedule identifying supervisor(s) at all times for each place of employment.

In addition to completing supervisor quarterly reports, any employer, director, manager, supervisor or contractor, shall report to the Board immediately, within 24 hours, if he/she suspects respondent is under the influence of alcohol or any substance or has had any occurrence of substance abuse.

16. **ALCOHOL AND DRUG TREATMENT** - Respondent, at her expense, shall successfully complete a treatment regime at a recognized and established program in California of at least six months duration approved by the Board. The treatment program shall be successfully completed within the first nine months of probation. The program director, psychiatrist or psychologist shall confirm that respondent has complied with the requirement of this decision and shall notify the Board immediately if he/she believes respondent cannot safely practice. Respondent shall execute a release authorizing divulgence of this information to the Board.

Respondent shall inform the program director, psychiatrist or psychologist, of her probationary status with the Board, and shall cause that individual to submit monthly reports to the Board providing information concerning respondent's progress and prognosis. Such reports shall include results of biological fluid testing. Positive results shall be reported immediately to the Board and shall be used in administrative discipline. Respondent shall execute a release authorizing clinical providers to divulge the aforementioned information to the Board.

17. **VIOLATION OF PROBATION** - If Respondent commits a "Major Violation," as identified in the Disciplinary Guidelines, incorporated by reference pursuant to section 1399.374, she shall receive a notice to cease the practice of respiratory care, as directed by the Board. The Board shall attempt to contact Respondent by electronic and/or telephonic means to advise her of the notice to cease practice and shall deliver such notice by certified and regular mail.

The Board shall update its licensing database to reflect the status of the license.

If the Respondent is ordered to cease practice, she may file a written appeal, within 10 days of the date of the notice to cease practice, to provide additional evidence disputing the finding of the violation(s) that was cause for the notice to cease practice. The Executive Officer will review the appeal and make a determination in the matter, within 10 days from the date the written appeal and all supporting evidence or documentation is received. The probationer shall be notified of the outcome by certified mail.

Respondent shall not resume the practice of respiratory care until a final decision on an accusation and/or petition to revoke probation is made or until such time as the Board delivers written notification that the notice to cease practice has been dissolved. The cessation of practice shall not apply to the reduction of the probationary time period.

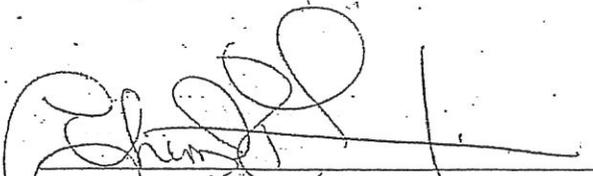
The Board will contact the Respondent and her employers, human resources personnel, directors, managers, supervisors, and contractors and notify them that Respondent has been issued a notice to cease practice.

In addition, if Respondent violates any term of the probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed.

If a petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be extended until the matter is final. No petition for modification of penalty shall be considered while there is an accusation or petition to revoke probation or other penalty pending against Respondent.

18. COMPLETION OF PROBATION - Upon successful completion of probation, Respondent's license shall be fully restored.

DATED: February 7, 2013


CHERYL R. TOMPKIN
Administrative Law Judge
Office of Administrative Hearings