BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:  Case No. 1002559043

TRISTA NICOLE SOS
1907 Tiburon Drive
Redding, CA 96003

Vocational Nurse License No. VN 247964

Respondent.

Complainant alleges:

PARTIES

1. Kameka Brown, PhD, MBA, NP (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about February 10, 2010, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 247964 to Trista Nicole Sos (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2017, unless renewed.

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( TRISTA NICOLE SOS) ACCUSATION
3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2875 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration.

6. Section 2878 of the Code states in pertinent part:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

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

7. Section 2878.5 of the Code states in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational 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 of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

"(c) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in subdivision (b)."

( TRISTA NICOLE SOS) ACCUSATION
DRUGS

8. Marijuana is a schedule I controlled substance pursuant to Health and Safety Code section 11054, subdivision (d)(13).

COST RECOVERY

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

BACKGROUND INFORMATION – RIVERSIDE CONVALESCENT

10. From approximately November or December 2014, through May 21, 2015, Respondent was employed at Riverside Convalescent Hospital (RCH) in Chico, California.

11. On or about May 21, 2015, Respondent documented at the start of her shift that she received 49 controlled substance cards (CS cards) from the nurse she relieved. Respondent recorded using 7 CS cards during her shift and that she turned over 40 CS cards to the nurse who relieved her. Respondent drew a line through “49” and wrote in “47” indicating she had only received 47 CS cards from the nurse she relieved.

12. When interviewed by the California Division of Investigation, Respondent admitted to possessing and consuming the controlled substance Marijuana in violation of law and without a valid physician’s recommendation from and between May 27, 2014, through January 13, 2016.

FIRST CAUSE FOR DISCIPLINE

(False, Incorrect, Inconsistent, or Unintelligible Entries in Hospital Records)

13. Respondent is subject to disciplinary action under section 2878, subdivision (a), unprofessional conduct as defined by section 2878.5, subdivision (c), in that on or about May 21, 2015, Respondent made false, incorrect, inconsistent, or unintelligible entries in patient records as set forth in paragraphs 10 and 11, above.

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SECOND CAUSE FOR DISCIPLINE
(Obtain, Possess, Self-Administer Controlled Substances)

14. Respondent is subject to disciplinary action under section 2878, subdivision (a), unprofessional conduct as defined by section 2878.5, subdivision (a), in that from on or about May 27, 2014, through January 13, 2016, Respondent obtained, possessed, and self-administered marijuana without a valid physician’s recommendation.

BACKGROUND INFORMATION – RED BLUFF HEALTHCARE CENTER

15. Between approximately late spring or early summer of 2015, and October 15, 2015, Respondent was employed at Red Bluff Healthcare Center (RBHC) in Red Bluff, California.

16. On or about October 13, 2015, a nurse at RBHC, A.M., received a delivery of 60 oxycodone tabs in two CS cards for Patient A from their pharmacy. A.M. gave both CS cards and the Controlled Drug Record for each CS card to Respondent.

17. On or about October 14, 2015, another LVN, G.J., took over the care of Patient A from Respondent, and Respondent gave G.J. only one CS card and one Controlled Drug Record. Respondent made no record regarding the other CS card of oxycodone.

THIRD CAUSE FOR DISCIPLINE
(False, Incorrect, Inconsistent, Unintelligible Entries in Hospital Records)

18. Respondent is subject to disciplinary action under section 2878, subdivision (a), unprofessional conduct as defined by section 2878.5, subdivision (e), in that on or about October 14, 2015, Respondent made false, incorrect, inconsistent, or unintelligible entries in patient records for Patient A, as set forth in paragraphs 15 through 17, above.

PRAYER

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

1. Revoking or suspending Vocational Nurse License Number VN 247964, issued to Trista Nicole Sos;

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(TRISTA NICOLE SOS) ACCUSATION
2. Ordering Trista Nicole Sos to pay the Board of Vocational Nursing and Psychiatric
Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to
Business and Professions Code section 125.3; and,

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

DATED: 1/23/17

KAMEKA BROWN, PHD, MBA, NP
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant