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8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11
12 In the Matter of the Accusation Against:

Case No. 1002559043

13 **TRISTA NICOLE SOS**
14 **1907 Tiburon Drive**
Redding, CA 96003

A C C U S A T I O N

15 **Vocational Nurse License No. VN 247964**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

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

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1 JURISDICTION

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

5 STATUTORY PROVISIONS

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

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

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

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

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

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

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

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

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

1 **DRUGS**

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

4 **COST RECOVERY**

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

9 **BACKGROUND INFORMATION – RIVERSIDE CONVALESCENT**

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

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

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

20 **FIRST CAUSE FOR DISCIPLINE**

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

22 13. Respondent is subject to disciplinary action under section 2878, subdivision (a),
23 unprofessional conduct as defined by section 2878.5, subdivision (e), in that on or about May 21,
24 2015, Respondent made false, incorrect, inconsistent, or unintelligible entries in patient records as
25 set forth in paragraphs 10 and 11, above.

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1 2. Ordering Trista Nicole Sos to pay the Board of Vocational Nursing and Psychiatric
2 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to
3 Business and Professions Code section 125.3; and,

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

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6 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

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