

State of California  
Board of Vocational Nursing  
and Psychiatric Technicians

# DISCIPLINARY GUIDELINES

Revised June 19, 2007  
*(Regulations Effective October 29, 2008)*



**BVNPT Enforcement Division**  
2535 Capitol Oaks Drive, Suite 205  
Sacramento, California 95833  
(916) 263-7827 Fax#: (916) 263-7857  
[www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)



## **INTRODUCTION**

*Business and Professions Code sections 2841.1 and 4501.1 mandate that protection of the public shall be the highest priority for the Board of Vocational Nursing and Psychiatric Technicians (Board) in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.*

*To facilitate uniformity of disciplinary orders and to ensure that its disciplinary policies are known, the Board adopted these Disciplinary Guidelines. The guidelines are intended for use by individuals involved in disciplinary proceedings against vocational nurse and psychiatric technician licensees or applicants, including administrative law judges and attorneys, as well as the Board members who review proposed decisions and stipulations and have ultimate authority to make final decisions.*

*While recognizing the concept that administrative law judges must be free to exercise their discretion, the Board requests that these guidelines be followed to the extent possible and that any departures be noted and explained in the Proposed Decision.*

*The Board requests that matters in extenuation and mitigation, as well as those in aggravation, be fully considered and noted in the Proposed Decision. Of primary importance is the effect the respondent's conduct had or could have had on the health, safety and welfare of California consumers.*

## ***REGULATORY AUTHORITY***

### ***California Code of Regulations, Title 16 Section 2524 & Section 2579.10***

*In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code section 11400 et seq.) the Board shall consider the disciplinary guidelines entitled “Disciplinary Guidelines”, (Rev. 6/19/07), which are hereby incorporated by reference. Deviation from these guidelines, including the standard conditions of probation, is appropriate where the Board, in its sole discretion, determines that the facts of the particular case warrant such a deviation - for example, the presence of mitigating factors; the age of the case; evidentiary problems.*

## ***FACTORS TO BE CONSIDERED***

***In determining whether revocation, suspension or probation should be imposed in a given disciplinary action, the following factors should be considered:***

- *Nature and severity of the act(s), offense(s), or crime(s) under consideration.*
- *Actual or potential harm to the public.*
- *Actual or potential harm to any patient.*
- *Overall disciplinary record.*
- *Overall criminal actions taken by any federal, state or local agency or court.*
- *Prior warnings on record or prior remediation.*
- *Number and/or variety of current violations.*
- *Mitigation evidence.*
- *In case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.*
- *Time passed since the act(s) or offense(s) occurred.*
- *If applicable, evidence of proceedings to dismiss a conviction pursuant to Penal Code section 1203.4.*
- *Cooperation with the Board and other law enforcement or regulatory agencies.*
- *Other rehabilitation evidence.*

# ***SUMMARY LIST OF THE STANDARD & OPTIONAL CONDITIONS OF PROBATION***

## ***Standard Conditions of Probation (1-14)***

1. *Obey All Laws*
2. *Compliance With Probation Program*
3. *Submit Written Reports*
4. *Notification of Address and Telephone Number Change*
5. *Notification of Residency or Practice Outside of State*
6. *Meetings With Board Representative(s)*
7. *Notification to Employers*
8. *Employment Requirements and Limitations*
9. *Supervision Requirements*
10. *Completion of Educational Course(s)*
11. *Maintenance of Valid License*
12. *Cost Recovery Requirements*
13. *License Surrender*
14. *Violation of Probation*

## *Optional Conditions of Probation (15-25)*

- *If relevant to the violation, any of the optional conditions may be included in the probation requirements.*
- *If the offense involves alcohol and/or drug abuse, Conditions #19-#23 are usually required (in addition to the Standard Conditions #1-#14). Conditions #16-#18 are also recommended, if relevant.*
- *If the respondent's license has been or will have been expired for over four (4) years by the time a decision is rendered, the Respondent shall be required to take and pass the licensure examination (Condition #24).*
- *If the case involves mental illness, Conditions #16-#18 are recommended.*

15. *Suspension of License*
16. *Examination by a Physician*
17. *Psychiatric/Psychological Evaluation*
18. *Psychotherapy*
19. *Rehabilitation Program*
20. *Chemical Dependency Support & Recovery Groups*
21. *Abstain from Controlled Substances*
22. *Abstain from Use of Alcohol and Products Containing Alcohol*
23. *Submit Biological Fluid Samples*
24. *Take and Pass Licensure Examination*
25. *Restrictions on Licensed Practice*

# **STANDARD CONDITIONS OF PROBATION [1-14]**

## **1. OBEY ALL LAWS**

Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and all violations of the law, including alleged violations, to the Board within five (5) days of occurrence.

To ensure compliance with this condition, respondent shall submit fingerprints through the Department of Justice and Federal Bureau of Investigation within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprints were previously submitted by the respondent to the Board.

Respondent shall also submit to the Board a recent 2" x 2" photograph of himself/herself within thirty (30) days of the effective date of the decision.

If respondent is under a criminal court order, including probation or parole, and the order is violated, it shall be deemed a violation of these probation conditions.

## **2. COMPLIANCE WITH PROBATION PROGRAM**

Respondent shall fully comply with the conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Probation Program.

Upon successful completion of probation, the respondent's license will be fully restored.

### **3. SUBMIT WRITTEN REPORTS**

Respondent shall submit or cause to be submitted, under penalty of perjury, any written reports, declarations and verification of actions as required by the Board or its representatives. These reports or declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

In the first report, respondent shall provide a list of all states and territories where he/she has ever been licensed as a vocational/practical nurse, psychiatric technician, or registered nurse. Respondent shall provide information regarding the status of each license and any change in license status during the period of probation. Respondent shall inform the Board if he/she applies for or obtains a new nursing or psychiatric technician license during the period of probation.

Respondent shall provide a copy of the Board's decision to the regulatory agency in every state and territory in which he/she has applied for or holds a vocational/practical nurse, psychiatric technician and/or registered nurse license.

### **4. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S)**

Respondent shall notify the Board, in writing, within five (5) days of any change in address or telephone number(s).

Respondent's failure to claim mail sent by the Board may be deemed a violation of these probation conditions.

**5. NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF STATE**

Respondent shall notify the Board, in writing, within five (5) days, if he/she leaves California to reside or practice in another state. Periods of residency or practice outside of California shall not apply toward a reduction of this probation time period. If respondent resides or practices outside of California, the period of probation shall be automatically extended for the same time period he/she resides or practices outside of California. The respondent shall provide written notice to the Board within five (5) days of any change of residency or practice.

Respondent shall notify the Board, in writing, within five (5) days, upon his/her return to California.

**6. MEETINGS WITH BOARD REPRESENTATIVE(S)**

Respondent shall appear in person at meetings as directed by the Board or its designated representatives.

**7. NOTIFICATION TO EMPLOYER(S)**

When currently employed or applying for employment in any capacity in any health care profession, respondent shall notify his/her employer of the probationary status of respondent's license. This notification to the respondent's current health care employer shall occur no later than the effective date of the Decision. The respondent shall notify any prospective health care employer of his/her probationary status with the Board prior to accepting such employment. At a minimum, this notification shall be accomplished by providing the employer or prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical health care positions.

Respondent shall cause each health care employer to submit to the Board all performance evaluations and any other employment related reports as required by the Board. Respondent shall notify the Board, in writing, of any difficulty in securing employer reports within five (5) days of such an event.

Respondent shall notify the Board, in writing, within five (5) days of any change in employment status. Respondent shall notify the Board, in writing, if he/she is terminated or separated, regardless of cause, from any nursing or health care related employment with a full explanation of the circumstances surrounding the termination or separation.

## **8. EMPLOYMENT REQUIREMENTS AND LIMITATIONS**

Respondent shall work in his/her licensed capacity in the state of California. This practice shall consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

Respondent shall not work for a nurses' registry or in any private duty position, a temporary nurse placement agency, as a faculty member in an accredited or approved school of nursing, or as an instructor in a Board approved continuing education course except as approved, in writing, by the Board. Respondent shall work only on a regularly assigned, identified and predetermined work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

## **9. SUPERVISION REQUIREMENTS**

Before commencing or continuing employment in any health care profession, respondent shall obtain approval from the Board of the supervision provided to the respondent while employed.

Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians, certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

**10. COMPLETION OF EDUCATIONAL COURSE(S)**

Respondent, at his or her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation.

The coursework shall be in addition to that required for license renewal. The Board shall notify the respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, respondent shall submit "original" completion certificates to the Board within thirty (30) days of course completion.

**11. MAINTENANCE OF VALID LICENSE**

Respondent shall, at all times, maintain an active current license with the Board including any period of suspension.

If an initial license must be issued (Statement of Issues) or a license is reinstated, probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board's decision.

Should respondent's license expire, by operation of law or otherwise, upon renewal or reinstatement, respondent's license shall be subject to any and all conditions of this probation not previously satisfied.

**12. COST RECOVERY REQUIREMENTS**

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 \$\_\_\_\_\_.

Respondent shall be permitted to pay these costs in a payment plan approved by the Board with payments to be completed no later than three months prior to the end of the probation period. The filing of bankruptcy by respondent shall not relieve respondent of his/her responsibility to reimburse the Board for its investigation and prosecution costs. Failure to make payments in accordance with any formal agreement entered into with the Board or pursuant to any Decision by the Board shall be considered a violation of probation.

If respondent has not complied with this condition during the probationary period, and respondent presents sufficient documentation of his/her good faith effort to comply with this condition, and if no other conditions have been violated, the Board or its representatives may, upon written request from the respondent, extend the probation period up to one year, without further hearing, in order to comply with this condition. During the extension, all original conditions of probation will apply.

Except as provided above, the Board shall not renew or reinstate the license of any respondent who has failed to pay all the costs as directed in a Decision.

### **13. LICENSE SURRENDER**

During probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation, respondent may surrender his/her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request without further hearing. Upon formal acceptance of the tendered license, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A licensee who surrenders his/her license may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision for the surrender:

- Three (3) years for reinstatement of a license surrendered for any reason other than a mental or physical illness; or
- One (1) year for a license surrendered for a mental or physical illness.

#### **14. VIOLATION OF PROBATION**

If respondent violates the conditions of his/her probation, the Board, after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (denial/revocation/suspension) of the respondent's license. If during probation, an accusation or petition to revoke probation has been filed against the respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

## **OPTIONAL CONDITIONS OF PROBATION [15-25]**

### **15. SUSPENSION OF LICENSE**

Respondent is suspended from practice as a vocational nurse/psychiatric technician for \_\_\_\_\_ month(s) (period not to exceed one year) beginning the effective date of this decision.

During suspension, all probation conditions are in full force and effect except those relating to actual practice. The period of suspension will not apply to the reduction of this probationary period. The probation shall be automatically extended for the same time period as the length of suspension.

### **16. EXAMINATION BY A PHYSICIAN**

Within sixty (60) days of the effective date of the Decision, respondent shall submit to a physical examination by a physician of his/her choice who meets minimum criteria established by the Board. The physician must be licensed in California and Board certified in Family Practice, Internal Medicine or a related specialty. The purpose of this examination shall be to determine respondent's ability to perform all professional duties with safety to self and to the public. Respondent shall provide the examining physician with a copy of the Board's Disciplinary Order prior to the examination. The cost of such examination shall be paid by the respondent.

Respondent shall cause the physician to submit to the Board a written medical report in a format acceptable to the Board. This report shall be submitted within ninety (90) days of the effective date of the Decision. If the examining physician finds that respondent is not physically fit to practice or can only practice with restrictions, the examining physician shall notify the Board, in writing within five (5) working days. The Board shall notify the respondent in writing of the examining physician's determination of unfitness to practice and shall order the respondent to cease or restrict licensed activities as a condition of probation.

Respondent shall comply with this condition until the Board is satisfied of respondent's fitness to practice safely and has so notified the respondent. Respondent shall document compliance in the manner required by the Board.

## **17. PSYCHIATRIC/PSYCHOLOGICAL EVALUATION**

Within sixty (60) days of the effective date of the Decision, respondent shall submit to a psychiatric/psychological evaluation. The evaluation shall be performed by a psychiatrist licensed in California and Board certified in psychiatry, or by a clinical psychologist licensed in California. This evaluation shall be for the purpose of determining respondent's current mental, psychological and emotional fitness to perform all professional duties with safety to self and to the public. Respondent shall provide the evaluator with a copy of the Board's Disciplinary Order prior to the evaluation. The cost of such evaluation shall be paid by the respondent.

Respondent shall cause the evaluator to submit to the Board a written report concerning respondent's status and progress as well as such other information as may be requested by the Board. This report shall be submitted in a format acceptable to the Board within ninety (90) days from the effective date of the Decision.

If the evaluator finds that respondent is not psychologically fit to practice safely, or can only practice with restrictions, the evaluator shall notify the Board, in writing, within five (5) working days. The Board shall notify the respondent in writing of the evaluator's determination of unfitness to practice and shall order the respondent to cease or restrict licensed activities as a condition of probation. Respondent shall comply with this condition until the Board is satisfied of respondent's fitness to practice safely and has so notified the respondent. Respondent shall document compliance in the manner required by the Board.

If the evaluator finds that psychotherapy is required, respondent shall participate in a therapeutic program at the Board's discretion. The cost of such therapy shall be paid by the respondent.

## **18. PSYCHOTHERAPY**

Within sixty (60) days of the effective date of the Decision, respondent shall submit to the Board the name of one or more proposed therapists for prior approval. Respondent shall participate in ongoing psychotherapy with a California licensed or legally registered mental health professional who has been approved by the Board. Respondent shall provide the therapist with a copy of the Board's Disciplinary Order no later than the first therapy session. Therapy sessions shall be at least once a week unless otherwise determined by the Board. Respondent shall continue in such therapy at the Board's discretion. The cost of such therapy shall be paid by the respondent.

Respondent shall cause the therapist to submit to the Board a written report concerning respondent's psychotherapy status and progress as well as such other information as may be requested by the Board. The initial psychotherapy report shall be submitted in a format acceptable to the Board within ninety (90) days from the effective date of the Decision. Respondent shall cause the therapist to submit quarterly written reports to the Board concerning respondent's fitness to practice, progress in treatment and to provide such other information as may be required by the Board.

If the therapist finds that respondent is not psychologically fit to practice safely, or can only practice with restrictions, the therapist shall notify the Board, in writing, within five (5) working days. The Board shall notify the respondent in writing of the therapist's determination of unfitness to practice and shall order the respondent to cease or restrict licensed activities as a condition of probation. Respondent shall comply with this condition until the Board is satisfied of respondent's fitness to practice safely and has so notified the respondent. Respondent shall document compliance with this condition in the manner required by the Board.

**19. REHABILITATION PROGRAM**

Within thirty (30) days of the effective date of the Decision, respondent shall enter a rehabilitation and monitoring program specified by the Board. Respondent shall successfully complete such treatment contract as may be recommended by the program and approved by the Board. Respondent shall submit written verification of successful completion of such treatment in a format acceptable to the Board within thirty (30) days of completion.

Components of the treatment contract shall be relevant to the violation and to the respondent's current status in recovery or rehabilitation. The components may include, but are not limited to: restrictions on practice and work setting, random bodily fluid testing, abstention from drugs and alcohol, use of work site monitors, participation in chemical dependency rehabilitation programs or groups, psychotherapy, counseling, psychiatric evaluations and other appropriate rehabilitation or monitoring programs. The cost for participation in this program shall be paid by the respondent.

**20. CHEMICAL DEPENDENCY SUPPORT & RECOVERY GROUPS**

Within five (5) days of the effective date of the Decision, respondent shall begin attendance at a chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support Group). Verified documentation of attendance shall be submitted by the respondent with each written report as required by the Board. Respondent shall continue attendance in such a group for the duration of probation.

**21. ABSTAIN FROM CONTROLLED SUBSTANCES**

Respondent shall completely abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness.

**22. ABSTAIN FROM USE OF ALCOHOL**

Respondent shall completely abstain from the use of alcoholic beverages and products containing alcohol.

**23. SUBMIT BIOLOGICAL FLUID SAMPLES**

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and the respondent's current employer.

**24. TAKE AND PASS LICENSURE EXAMINATION**

**(Statement of Issues)**

Prior to commencing practice, respondent shall take and pass the licensure exam currently required of new applicants within two (2) years from the effective date of the Board's decision. Respondent shall pay the established examination fees.

This probationary period shall not commence until the respondent has successfully passed the licensure examination and a license is issued by the Board.

**(Reinstatement of License)**

Prior to resuming practice, respondent shall take and pass the licensure exam currently required of new applicants within two (2) years from the effective date of the Board's decision. Respondent shall pay the established examination fees.

This probationary period shall not commence until the respondent has successfully passed the licensure examination and a license is issued by the Board.

**(Current License)**

Prior to resuming or continuing practice, respondent shall take and pass the licensure exam currently required of new applicants within two (2) years from the effective date of the Board's decision. Respondent shall pay the established examination fees.

This probationary period shall not commence until the respondent has successfully passed the licensure examination and notice has been mailed to the respondent by the Board.

**25. RESTRICTIONS ON LICENSED PRACTICE**

Respondent shall practice only with a specified client population, in a specified practice setting, and/or engage in limited medical procedures. These restrictions shall be specifically defined in the Decision and be appropriate to the violation. Respondent shall be required to document compliance in the manner required by the Board.

**(Revised 6/19/07; Effective 10/29/08)**

**BVNPT: VIOLATIONS & RECOMMENDED DISCIPLINARY ACTIONS (Revised June 19, 2007; Effective October 29, 2008)**

<b>Disciplinary Violations</b>	<b>VN Program B&amp;P Code</b>	<b>PT Program B&amp;P Code</b>	<b>Maximum Discipline</b>	<b>Intermediate Discipline</b>	<b>Minimum Discipline</b>
<b>1. Unprofessional Conduct</b>	2878(a)	4521(a)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Other Conditions	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14
<b>2. Incompetence and/or Gross Negligence</b>	2878(a)(1)	4521(a)(1)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Other Conditions	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14
<b>3. Conviction of Practicing Medicine</b>	2878(a)(2)	4521(a)(2)	Revocation	---	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Restricted Practice #25
<b>4. False or Misleading Advertising</b>	2878(a)(3)	4521(a)(3)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14
<b>5. Excessive Force, Mistreatment or Abuse of Any Patient</b>	2878(a)(4)	4521(i)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Restricted Practice #25 *Other Conditions	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14 * Restricted Practice #25 *Other Conditions

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<b>6. Failure to Maintain Confidentiality of Patient Medical Information</b>	2878(a)(5)	4521(k)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14
<b>7. Failure to Report Commission of Act Prohibited by Section</b>	2878(a)(6)	4521(l)	Revocation	Revoc. Stayed: 3 Years Probation Standard Conditions 1-14	Revoc. Stayed: 2 Years Probation Standard Conditions 1-14
<b>8. Procuring a License by Fraud or Misrepresentation</b>	2878(b)	4521(b)	---	---	Revocation
<b>9. Assisting With Criminal Abortion</b>	2878(c)	4521(c)	Revocation	---	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14
<b>10. Violating Terms of Licensing Chapter</b>	2878(d)	4521(d)	Revocation	---	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Other Conditions

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<b>11. Making False Statement on Application for Initial License</b>	2878(e)	4521(e)	Revocation or Denial of License	---	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Other Conditions
<b>12. CONVICTION Substantially Related to Functions of License (Non-Drug Related)</b>	2878(f)	4521(f)	Revocation or Denial of License	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Restricted Practice 25 *Other Conditions	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14 *Other Conditions
<b>13. Impersonating or Acting as Proxy for Applicant on Exams</b>	2878(g)	4521(g)	---	---	Revocation or Denial of License
<b>14. Impersonating a Licensee or Permitting Others to Use License</b>	2878(h)	4521(h)	Revocation or Denial of License	---	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Other Conditions
<b>15. Assisting Physician to Violate Medical Practice Act</b>	2878(i)	4521(j)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Restricted Practice 25	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14
<b>16. Commission of Any Act Involving Dishonesty</b>	2878(j)	4521(n)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Restricted Practice #25	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14

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<b>17. Sexual Misconduct Related to Practice</b>	2878(k)	4521(m)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Restricted Practice #25	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14
<b>18. Knowing Failure to Follow Infection Control Guidelines</b>	2878(l)	4521(o)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Restricted Practice #25	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14
<b>19. Failure to Report Known Violations</b>	2878.1	4521.2	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14
<b>20. Illegal Possession, Prescribing, Self- Administration of Controlled Substances or Dangerous Drugs</b>	2878.5(a)	4521(a)(4)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 Support/Recovery Groups #20 Abstain from Drugs #21 Abstain from Alcohol #22 Drug Screens #23 *Other Conditions	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14 Support/Recovery Groups #20 Abstain from Drugs #21 Abstain from Alcohol #22 Drug Screens #23 *Other

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Disciplinary Violations	VN Program B&P Code	PT Program B&P Code	Maximum Discipline	Intermediate Discipline	Minimum Discipline
<b>21. Illegal Use of Drugs/Alcohol Posing Danger to Public &amp; Impairs Ability to Practice</b>	2878.5(b)	4521(a)(5)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 Exam by Physician #16 Support/Recovery Groups #20 Abstain from Drugs #21 Abstain from Alcohol #22 Drug Screens #23 Restricted Practice #25 *Other Conditions	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14 Support/Recovery Groups #20 Abstain from Drugs #21 Abstain from Alcohol #22 Drug Screens #23 *Other Conditions
<b>22. CONVICTION of Drug or Alcohol Related Crimes</b>	2878.5(c)	4521(a)(6)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 Support/Recovery Groups #20 Abstain from Drugs #21 Abstain from Alcohol #22 Drug Screens #23 Restricted Practice #25 *Other Conditions	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14 Support/Recovery Groups #20 Abstain from Drugs #21 Abstain from Alcohol #22 Drug Screens #23 *Other Conditions
<b>23. Confinement or Committal for Addiction</b>	2878.5(d)	4521(a)(7)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 Exam by Physician #16 Support/Recovery Groups #20 Abstain from Drugs #21 Abstain from Alcohol #22 Drug Screens #23 *Psychiatric/Psychological Evaluation #17 *Psychotherapy #18 *Drug/Alcohol Rehab. #19 *Restricted Practice #25 *Other Conditions	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14 Support/Recovery Groups #20 Abstain from Drugs #21 Abstain from Alcohol #22 Drug Screens #23 *Other Conditions

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<b>Disciplinary Violations</b>	<b>VN Program B&amp;P Code</b>	<b>PT Program B&amp;P Code</b>	<b>Maximum Discipline</b>	<b>Intermediate Discipline</b>	<b>Minimum Discipline</b>
<b>24. Falsify, Make Incorrect, Inconsistent or Unintelligible Entries Pertaining to Drugs</b>	2878.5(e)	4521(a)(8)	---	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 Drug Screens #23 *Other Conditions	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14
<b>25. Disciplinary Action by Another State, Agency or Licensing Board</b>	2878.8	4521.6(a)	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Other Conditions	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14
<b>26. Failure to Report Child, Elder or Dependent Adult Abuse (Unprofessional Conduct)</b>	2878(a) CCR 16 2520.1 2520.2 2520.3	4521(a) CCR 16 2577.2 2577.3 2577.4	Revocation	Revoc.Stayed: 3 Years Probation Standard Conditions 1-14 *Other Conditions	Revoc.Stayed: 2 Years Probation Standard Conditions 1-14 *Other Conditions

**Important Notes:**

The Board recognizes that these disciplinary orders and conditions of probation are guidelines, and that each disciplinary case must be assessed individually. If individual circumstances exist which justify omissions or deviations from these guidelines, the Board requests that this information be duly noted in the Proposed Decision issued by the Administrative Law Judge hearing the case. This will help the Board to better evaluate the Proposed Decision and to make an official Decision which accurately reflects the facts of each specific disciplinary matter.

\* Optional Conditions may be added based upon the underlying cause of discipline.

**(Revised 6/19/07; Effective 10/29/08)**