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

In the Matter of the Accusation  
Against:

DAVID JOSEPH ROBERGE  
162 West Wabash Street, Apt B  
San Bernardino, CA 92405

Vocational Nurse License No.  
VN 152569

Respondent.

Case No. 6861

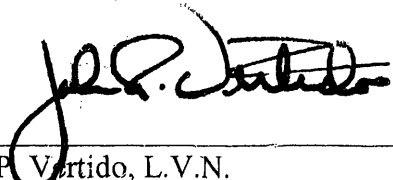
OAH No. L-2006031021

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the Final Decision in the above entitled matter.

This Decision shall become effective on June 15, 2007.

IT IS SO ORDERED this 16<sup>TH</sup> day of May, 2007.

  
\_\_\_\_\_  
John P. Vartido, L.V.N.  
President

1 BILL LOCKYER, Attorney General  
of the State of California  
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Deputy Attorney General  
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6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 DAVID JOSEPH ROBERGE  
162 West Wabash Street, Apt. C  
12 San Bernardino, CA 92405

13 Vocational Nurse License No. VN 152569

14 Respondent.

Case No. 6861

OAH No. L-2006031021

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15  
16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive  
21 Officer of the Board of Vocational Nursing and Psychiatric Technicians. She brought this action  
22 solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General  
23 of the State of California, by Michael A. Cacciotti, Deputy Attorney General.

24 2. Respondent David Joseph Roberge (Respondent) is representing himself  
25 in this proceeding and has chosen not to exercise his right to be represented by counsel.

26 3. On or about June 3, 1991, the Board of Vocational Nursing and  
27 Psychiatric Technicians issued Vocational Nurse License No. VN 152569 to Respondent. The  
28 License was in full force and effect at all times relevant to the charges brought in Accusation No.

1 6861 and will expire on September 30, 2006, unless renewed.

2 JURISDICTION

3 4. Accusation No. 6861 was filed before the Board of Vocational Nursing  
4 and Psychiatric Technicians (Board) , Department of Consumer Affairs, and is currently pending  
5 against Respondent. The Accusation and all other statutorily required documents were properly  
6 served on Respondent on February 21, 2006. Respondent timely filed his Notice of Defense  
7 contesting the Accusation. A copy of Accusation No. 6861 is attached as exhibit A and  
8 incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations  
11 in Accusation No. 6861. Respondent has also carefully read, and understands the effects of this  
12 Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the  
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
15 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
16 the right to present evidence and to testify on his own behalf; the right to the issuance of  
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
18 reconsideration and court review of an adverse decision; and all other rights accorded by the  
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in  
24 Accusation No. 6861.

25 9. Respondent agrees that his Vocational Nurse License is subject to  
26 discipline and he agrees to be bound by the Board 's imposition of discipline as set forth in the  
27 Disciplinary Order below.

28 ///



1 1996. Respondent shall also submit a recent 2" x 2" photograph of himself within thirty (30)  
2 days of the effective date of the decision.

3 **2. Compliance With Probation Program And Quarterly Report**

4 **Requirements.** Respondent shall fully comply with terms and conditions of the probation  
5 established by the Board and shall cooperate with the representatives of the Board in its  
6 monitoring and investigation of the Respondent's compliance with the Probation Program.

7 Respondent shall submit quarterly reports, under penalty of perjury, in a form  
8 required by the Board. The reports shall certify and document compliance with all the conditions  
9 of probation.

10 **3. Notification of Address And Telephone Number Change(s).**

11 Respondent shall notify the Board, in writing, within five (5) days of a change of residence or  
12 mailing address, of his new address and any change in his work and/or home telephone numbers.

13 **4. Notification of Residency or Practice Outside of State.** Respondent

14 shall notify the Board, in writing, within five (5) days, if he leaves California to reside or practice  
15 in another state.

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

18 The period of probation shall not run during the time Respondent is residing or  
19 practicing outside California.

20 **5. Notification to Employer(s).** When currently employed or applying for

21 employment in any capacity in any health care profession, Respondent shall notify his employer  
22 of the probationary status of Respondent's license. This notification to the Respondent's current  
23 health care employer shall occur no later than the effective date of the Decision. Respondent  
24 shall notify any prospective health care employer of his probationary status with the Board prior  
25 to accepting such employment. This notification shall be by providing the employer or  
26 prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

27 The Health Care Profession includes, but is not limited to: Licensed Vocational  
28 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency

1 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary  
2 technical health care positions.

3 Respondent shall cause each health care employer to submit quarterly reports to  
4 the Board. The reports shall be on a form provided by the Board, shall include a performance  
5 evaluation and such other information as may be required by the Board.

6 Respondent shall notify the Board, in writing, within five (5) days of any change  
7 in employment status. Respondent shall notify the Board, in writing, if he is terminated from any  
8 nursing or health care related employment with a full explanation of the circumstances  
9 surrounding the termination.

10 **6. Interviews/meetings With Board Representative(s).** Respondent,  
11 during the period of probation, shall appear in person at interviews/meetings as directed by the  
12 Board, or its designated representatives.

13 **7. Employment Requirements And Limitations.** During probation,  
14 Respondent shall work in his licensed capacity in the State of California. This practice shall  
15 consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

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

22 **8. Supervision Requirements.** Respondent shall obtain prior approval from  
23 the Board, before commencing any employment, regarding the level of supervision provided to  
24 Respondent while employed as a licensed vocational nurse or psychiatric technician.

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

1                   9.       **Completion of Educational Course(s).** Respondent, at his own expense,  
2 shall enroll and successfully complete a course(s) substantially related to the violation(s) no later  
3 than the end of the first year of probation; or Respondent shall be suspended from practice, until  
4 he has enrolled in and has successfully completed the specified coursework.

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

10                  Upon successful completion of the course, Respondent shall cause the instructor  
11 to furnish proof to the Board within thirty (30) days of course completion.

12                   10.       **Maintenance of Valid License.** Respondent shall, at all times while on  
13 probation, maintain an active current license with the Board, including any period during which  
14 suspension or probation is tolled.

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

18                   11.       **Cost Recovery Requirements.** Respondent shall pay to the Board  
19 pursuant to Business and Professions Code Section 125.3 the costs of investigation and  
20 enforcement in this matter in the amount of \$5,000.00. Respondent shall be permitted to pay  
21 these costs in a payment plan approved by the Board, with the payments to be completed no later  
22 than three months prior to the end of the probation term. Failure to complete payment of cost  
23 recovery within this time frame shall constitute a violation of probation which may subject  
24 Respondent's license to outright revocation.

25                  The Board may conditionally renew or reinstate, for a maximum of one year, the  
26 license of any respondent who demonstrates financial hardship. Respondent shall enter into a  
27 formal agreement with the Board to reimburse the unpaid costs within that one year period.

28                  Except as provided above, the Board shall not renew or reinstate the license of any