

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**VIRGINIA RILEY SAVELY, aka
VIRGINIA DOHERTY, aka
VIRGINIA WILLIAMS**

Case No. 2011-461

OAH No. 201012317

Registered Nurse License No. 657846
Nurse Practitioner Certificate No. 15661
Nurse Practitioner Furnishing Certificate No.
15661

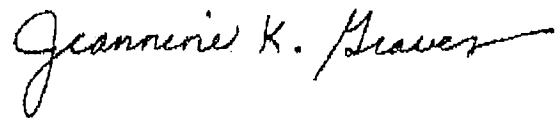
Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeal is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on June 18, 2011.

IT IS SO ORDERED May 19, 2011.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

I hereby certify the
foregoing to be a true copy
of the documents on file in our office.

BOARD OF REGISTERED NURSING



Joseph L. Morris, PhD, MSN, RN
Executive Officer



1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
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5 P.O. Box 70550
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **VIRGINIA RILEY SAVELY, a.k.a.**
13 **VIRGINIA DOHERTY, a.k.a. VIRGINIA**
WILLIAMS
14 **2013 A Ashby Avenue**
Austin, TX 78704
15 **Registered Nurse License No. 657846**
Nurse Practitioner Certificate No. 15661
16 **Nurse Practitioner Furnishing Certificate**
No. 15661

17 Respondent.

Case No. 2011-461

OAH No. 201012317

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL

[Bus. & Prof. Code § 495]

18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. . Louise R. Bailey, M.Ed., RN (Complainant) was the Interim Executive Officer of the
23 Board of Registered Nursing at the time this matter was filed, and she brought this action solely
24 in her official capacity. For purposes of resolving this matter, Ms. Bailey is now the Executive
25 Officer of the Board. Complainant is represented in this matter by Kamala D. Harris, Attorney
26 General of the State of California, by Susana A. Gonzales, Deputy Attorney General.
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1 8. Respondent is fully aware of her legal rights in this matter, including the right to a
2 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
3 her own expense; the right to confront and cross-examine the witnesses against her; the right to
4 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
5 compel the attendance of witnesses and the production of documents; the right to reconsideration
6 and court review of an adverse decision; and all other rights accorded by the California
7 Administrative Procedure Act and other applicable laws.

8 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
9 every right set forth above.

10 CULPABILITY

11 10. Respondent admits the truth of each and every charge and allegation in Accusation
12 No. 2011-461.

13 11. Respondent agrees that her Registered Nurse License, Nurse Practitioner Certificate,
14 and Nurse Practitioner Furnishing Certificate are subject to discipline and she agrees to be bound
15 by the Board's imposition of discipline as set forth in the Disciplinary Order below.

16 CIRCUMSTANCES IN MITIGATION

17 12. Respondent Virginia Riley Savely, also known as Virginia Doherty, also known as
18 Virginia Williams has never been the subject of any disciplinary action by the Board. She is
19 admitting responsibility at an early stage in the proceedings.

20 RESERVATION

21 13. The admissions made by Respondent in this stipulation are only for the purposes of
22 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
23 professional licensing agency is involved, and shall not be admissible in any other criminal or
24 civil proceeding.

25 CONTINGENCY

26 14. This stipulation shall be subject to approval by the Board of Registered Nursing.
27 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
28 Registered Nursing may communicate directly with the Board regarding this stipulation, without

1 notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent
2 understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation
3 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
4 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
5 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
6 and the Board shall not be disqualified from further action by having considered this matter.

7 15. The parties understand and agree that facsimile copies of this Stipulated Settlement
8 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
9 effect as the originals.

10 16. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
11 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
12 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
13 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
14 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
15 writing executed by an authorized representative of each of the parties.

16 17. In consideration of the foregoing admissions and stipulations, the parties agree that
17 the Board may, without further notice or formal proceeding, issue and enter the following
18 Disciplinary Order:

19 **DISCIPLINARY ORDER**

20 IT IS ORDERED that Registered Nurse License No. 657846, Nurse Practitioner Certificate
21 Number 15661, and Nurse Practitioner Furnishing Certificate Number 15661 issued to Virginia
22 Riley Savely, also known as Virginia Doherty, also known as Virginia Williams (Respondent)
23 shall, by way of letter from the Board's Executive Officer, be publicly reprimanded. The letter shall
24 be in the same form as the letter attached as Exhibit B to this stipulation.

25 **ACCEPTANCE**

26 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
27 discussed it with my attorney, Kathleen A. McCormac. I understand the stipulation and the effect
28 it will have on my Registered Nurse License, Nurse Practitioner Certificate, and Nurse Practitioner


1 Furnishing Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,
2 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
3 Registered Nursing.

4
5 DATED: 2/25/11


6 VIRGINIA RILEY SAVELY
Respondent

7 I have read and fully discussed with Respondent Virginia Riley Savely the terms and
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
9 I approve its form and content.

10 DATED: 2/25/11


11 Kathleen A. McCormac
Attorney for Respondent

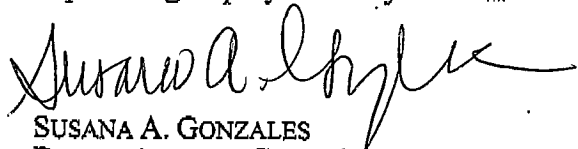
12
13 ENDORSEMENT

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
15 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
16 Affairs.

17 Dated: 2/28/11

18 Respectfully submitted,

19 KAMALA D. HARRIS
Attorney General of California
20 DIANN SOKOLOFF
Supervising Deputy Attorney General


21 SUSANA A. GONZALES
22 Deputy Attorney General
23 Attorneys for Complainant
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Exhibit A

Accusation No: 2011-461

SEARCHED
SERIALIZED
INDEXED
FILED
FEB 24 2011
FBI - OAKLAND

1 EDMUND G. BROWN JR.
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Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2011-461*

12 **VIRGINIA RILEY SAVELY, a.k.a.**
13 **VIRGINIA DOHERTY, a.k.a. VIRGINIA**
WILLIAMS
14 **2013 A Ashby Avenue**
Austin, TX 78704
15 **Registered Nurse License No. 657846**
Nurse Practitioner Certificate No. 15661
16 **Nurse Practitioner Furnishing Certificate**
No. 15661

ACCUSATION

17 Respondent.

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20 Complainant alleges:

21 PARTIES

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
24 of Consumer Affairs.

25 2. On or about May 19, 2005, the Board of Registered Nursing issued Registered Nurse
26 License Number 657846 to Virginia Riley Savely, also known as Virginia Doherty, also known
27 as Virginia Williams (Respondent). The Registered Nurse License was in full force and effect at
28

1 all times relevant to the charges brought in this Accusation and will expire on November 30,
2 2012, unless renewed.

3 3. On or about May 25, 2005, the Board of Registered Nursing issued Nurse Practitioner
4 Certificate Number 15661 to Respondent. The Nurse Practitioner Certificate was in full force and
5 effect at all times relevant to the charges brought in this Accusation and will expire on November
6 30, 2012.

7 4. On or about August 9, 2005, the Board of Registered Nursing issued Nurse Practitioner
8 Furnishing Certificate Number 15661 to Respondent. The Nurse Practitioner Furnishing
9 Certificate was in full force and effect at all times relevant to the charges brought in this
10 Accusation and will expire on November 30, 2012.

11 JURISDICTION

12 5. This Accusation is brought before the Board of Registered Nursing (Board),
13 Department of Consumer Affairs, under the authority of the following laws. All section
14 references are to the Business and Professions Code unless otherwise indicated.

15 6. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
16 that the Board may discipline any licensee, including a licensee holding a temporary or an
17 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
18 Nursing Practice Act.

19 7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
20 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
21 licensee or to render a decision imposing discipline on the license. Under section 2811,
22 subdivision (b) of the Code, the Board may renew an expired license at any time within eight
23 years after the expiration.

24 8. Section 118, subdivision (b) of the Code provides, in pertinent part, that the
25 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
26 action during the period within which the license may be renewed, restored, reissued or
27 reinstated.

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1. Agreed Order, successfully complete a six-hour minimum course in nursing documentation; and
2. (5) pay a monetary fine.

3. 12. The underlying conduct supporting the Texas Board's disciplinary action is that while
4. employed as a Family Nurse Practitioner at South Austin Family Practice Clinic in Austin, Texas
5. from on or about July 11, 2002, through on or about February 12, 2003, Respondent failed to use
6. appropriate physician-delegated protocols while managing medical aspects of care for a patient.
7. The protocols were in compliance with the Texas Board's requirements. As a result of
8. Respondent's failure to use protocols, she ordered antibiotic therapies for the patient that were at
9. subtherapeutic levels and were not included in the patient's protocols. In addition, Respondent
10. failed to document in the patient's medical record the reasons and rationale for the antibiotics that
11. she ordered. Respondent also failed to document collaboration, if any, with other physicians with
12. whom she consulted regarding the patient's care. Respondent's conduct resulted in an incomplete
13. medical record.

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PRAYER

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2 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
3 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 657846, issued to
5 Virginia Riley Savely, also known as Virginia Doherty, also known as Virginia Williams;

6 2. Revoking or suspending Nurse Practitioner Certificate Number 15661, issued to
7 Virginia Riley Savely, also known as Virginia Doherty, also known as Virginia Williams;

8 3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 15661,
9 issued to Virginia Riley Savely, also known as Virginia Doherty, also known as Virginia
10 Williams;

11 4. Ordering Virginia Riley Savely, also known as Virginia Doherty, also known as
12 Virginia Williams to pay the Board of Registered Nursing the reasonable costs of the
13 investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3;

15 5. Taking such other and further action as deemed necessary and proper.
16

17 DATED November 15, 2010

Louise R. Bailey
18 LOUISE R. BAILEY, M.ED., RN
19 Interim Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant

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23 90164272.doc
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25
26
27
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Exhibit B

Letter of Public Repeval in Case No. 2011-461



BOARD OF REGISTERED NURSING
PO Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 F (916) 574-8637 | www.rn.ca.gov
Louise R. Bailey, MEd, RN, Executive Officer



May 20, 2011

Virginia Riley Savely
2013 A Ashby Avenue
Austin, TX 78704

RE: LETTER OF PUBLIC REPROVAL

In the Matter of the Accusation Against: **VIRGINIA RILEY SAVELY, a.k.a. VIRGINIA DOHERTY, a.k.a. VIRGINIA WILLIAMS**
Board of Registered Nursing Case No. 2011-461
Office of Administrative Hearings, Oakland Regional Office, Case No. 201012317

Dear Ms. Savely:

On November 15, 2010, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your license to practice professional nursing, your nurse Practitioner certificate, and your nurse Practitioner furnishing certificate. The Accusation alleged unprofessional conduct under Business and Professions Code section 2761, subdivision (a)(4), and was based upon the Texas Board's January 2, 2006 disciplinary action against your Texas registered nurse license. The Texas Board's order resulted from your conduct in 2002 and 2003, when you failed to use appropriate physician-delegated protocols while managing medical aspects of care for a patient and also failed to document accurately.

Taking into consideration the fact that you have been licensed by the California Board since 2005 without any prior disciplinary action and you have fully complied with the Texas Board's disciplinary order, as well as other mitigating circumstances, the Board has determined that you are safe to practice registered nursing and that the charges alleged in the Accusation warrant a public reproof.

Accordingly, under the authority provided by section 495 of the Business and Professional Code, and in resolution of this matter, the Board of Registered Nursing hereby issues this letter of public reproof.

Sincerely,

Louise R. Bailey, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs