The attached are Primary Source Documents of the Idaho Board of Nursing for:

Mary M. Rowland

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
Mary M. Rowland  
2490 Willow Road  
Arroyo Grande, CA  93420

Dear Ms. Rowland:

During their meeting on January 28-29, 2010, the Board of Nursing members took action to accept the Stipulation and Consent Order signed by you on January 7, 2010. Section C. 1. Stipulated Discipline of the Order states that you agree to voluntarily surrender your practical nurse license and not be employed as a nurse in the State of Idaho. Conditions of Reinstatement are indicated in Section C-2.

Enclosed is a copy of the Final Order that became effective January 29, 2010. Please return your current practical nurse license to the Board office.

Sincerely,

[Signature]

SANDRA EVANS, MAEd, RN  
Executive Director

SE:lhce
enclosure

The Mission of the Board of Nursing is to regulate nursing practice and education for the purpose of safeguarding the public health, safety and welfare.
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: MARY ROWLAND, License No. PN-10263 Respondent. Case No. BON 09-044 STIPULATION AND CONSENT ORDER

WHEREAS, information has been received by the Idaho State Board of Nursing (the “Board”) that constitutes sufficient grounds for the initiation of an administrative action against Mary Rowland ("Respondent"); and

WHEREAS, the parties wish to expeditiously settle the matter in lieu of proceeding to an administrative hearing before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A. Stipulated Facts and Law

A.1. The Board regulates the practice of nursing in the State of Idaho in accordance with title 54, chapter 14, Idaho Code.

A.2. The Board has issued License No. PN-10263 to Respondent. Respondent’s license is subject to the provisions of title 54, chapter 14, Idaho Code and the Board’s rules at IDAPA 23.01.01, et seq.

A.3. On or about February 23, 2009, the Department of Consumer Affairs Bureau of Vocational Nursing and Psychiatric Technicians of the State of California (hereinafter "California Board") adopted the December 12, 2008 Proposed Decision by the Administrative Law Judge in Case No. VN-2006-657, In the Matter of the Statement of Issues Against: Mary Maurice Rowland, as its final Decision to be effective March 25, 2009. A copy of the California Board’s Decision is attached as Exhibit A.

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A.4. The California Board issued then revoked Respondent’s vocational nurse license for three (3) years\(^1\). The revocation was stayed and of Respondent was placed on probation for three (3) years. The terms and conditions of probation are set forth in the Decision. See Exhibit A, p. 4.

A.5. The allegations of Paragraph A.3 and A.4, if proven, would violate the laws and rules governing the practice of nursing and would be grounds for discipline, specifically Idaho Code § 54-1413(1)(i) and IDAPA 23.01.01.100.10 (license to practice nursing suspended or revoked in any jurisdiction).

A.6. Respondent, in lieu of proceeding with a formal disciplinary action, hereby agrees that the Board may enter a final order against her license as set forth in Section C below.

B. Waiver of Procedural Rights

I, Mary Rowland, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board as stated in Section A, above, and I agree that the Board has jurisdiction to proceed in this matter.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board’s orders; the right to judicial review of the Board’s orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of nursing in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

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Mary M. Rowland

\(^1\) The California Board recognized that Respondent’s California vocational nurse license is equivalent to Idaho’s practical nurse license.
C. Stipulated Discipline

C.1. Respondent agrees to voluntarily surrender her license to the Board within seven (7) days of receipt of the Board’s Order. The Board hereby accepts the voluntary surrender of Respondent’s license. Respondent shall not practice nursing in the State of Idaho until the Board reinstates her license.

C.2. If Respondent seeks reinstatement of her license, Respondent shall first:
   a. Pay investigative costs and attorney fees in the amount of Three Hundred and No/100 Dollars ($300.00);
   b. Make written application for reinstatement to the Board pursuant to Board Rule 61.04;
   c. Submit documentation that she has successfully completed all terms and conditions of her probation as required by the California Board and successfully reinstated her California license;
   d. Provide to the Board a summary of her employment history since the date of surrender of her license and shall provide a recommendation from her employer;
   e. Provide to the Board a summary of educational activities engaged since the date of surrender, including those that may be imposed as part of discipline from another state; and
   f. Submit any other documents or information as may be requested by the Board.

C.3. Any request for reinstatement shall be evaluated by the Board pursuant to the guidelines in Board Rule 61.04. The Board reserves the right to hold additional hearings should Respondent seek reinstatement of her license.

C.4. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

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STIPULATION AND CONSENT ORDER - 3
C.5. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D. Presentation of Stipulation to Board

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent’s waiver set forth in Paragraph D.2, this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2 which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

E. Violation of Stipulation and Consent Order

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Board's staff shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The staff shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within fourteen (14) days after the notice of the hearing and charges is served, Respondent may submit a
response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

c. At the hearing, the Board may impose additional discipline, which may include, without limitation, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent’s practice.

E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 7th day of January, 2010.

Mary M. Rowland
Respondent
I recommend that the Board enter an Order based upon this Stipulation.

Dated this 11th day of January, 2010.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Karin Magnelli
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-1404, the foregoing is adopted as the decision of the Board of Nursing in this matter and shall be effective on the 29th day of January, 2010. IT IS SO ORDERED.

IDAHO STATE BOARD OF NURSING

By Susan Odom, Ph.D., R.N.
Chair
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29 day of January, 2010, I caused to be served a true and correct copy of the foregoing addressed as follows:

Mary Rowland  
2490 Willow Road  
Arroyo Grande, CA 93420

☐ U.S. Mail  
☐ Hand Delivery  
☒ Certified Mail, Return Receipt Requested  
☐ Overnight Mail  
☐ Facsimile:  
☐ Statehouse Mail

Karin Magnelli  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

☐ U.S. Mail  
☐ Hand Delivery  
☐ Certified Mail, Return Receipt Requested  
☐ Overnight Mail  
☐ Facsimile:  
☒ Statehouse Mail

Sandra Evans, M.A.Ed., R.N.  
Executive Director  
Board of Nursing
BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

MARY MAURICE ROWLAND
2490 Willow Road
Arroyo Grande, CA 93420

Applicant for Vocational Nurse License

Case No. VN-2006-657

OAH No. 2008080075

Respondent.

DECISION

The attached Proposed Decision of the Administrative Law Judge 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 March 25, 2009.

IT IS SO ORDERED this 23th day of February, 2009.

John P. Vertido, I.V.N
President

Exhibit A
Page 1 of 9
BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

MARY MAURICE ROWLAND,
Respondent.

Case No. VN-2006-657
OAH Case No. L2008080075

PROPOSED DECISION

This matter was heard by Samuel D. Reyes, Administrative Law Judge, Office of
Administrative Hearings, in San Luis Obispo, California, on November 14, 2008.

Michael A. Cacciotti, Deputy Attorney General, represented Complainant, Teresa Bello-
Jones, J.D., M.S.N., R.N.

Gael G. Mueller represented respondent.

Complainant seeks to deny respondent’s application for licensure as a vocational nurse
on the bases of two convictions, her failure to disclose one of the convictions, and the conduct
underlying the convictions. Respondent presented evidence in mitigation and rehabilitation in
support of licensure.

Oral and documentary evidence was received at the hearing and the matter was
submitted for decision.

FACTUAL FINDINGS

1. Complainant filed the Statement of Issues in her official capacity as Executive
   Officer, Bureau of Vocational Nursing and Psychiatric Technicians, Department of Consumer
   Affairs (Board).

2. In 1993, respondent completed a two-year nursing program at the College of
   Southern Idaho, and was licensed as a licensed practical nurse, the equivalent of a licensed
   vocational nurse. Her Idaho license is still active.
3.  a. On August 17, 2006, respondent filed an application for licensure as a vocational nurse. On September 26, 2006, the Bureau notified respondent that she had to complete a form entitled “Record of Conviction.” Question number 7 in the form asked: “Have you been ‘convicted’ of any offense, including traffic violations?” Highlighted text below the question stated that misdemeanors as well as felonies had to be disclosed, even if expunged. On the back of the document, applicants were informed that they did not have to list traffic convictions where the fine was less than $500. Respondent checked the “no” box, and failed to provide any details or information about the conviction set forth in factual finding number 4.

b. Respondent’s statement that she had not been convicted was false, as she had suffered the conviction set forth in factual finding 4. Inasmuch as respondent intended to answer the question in the negative, respondent knowingly failed to disclose the conviction.

c. Respondent explained that she did not disclose the conviction because the judge in Idaho, before whom she appeared without an attorney, told her that the conviction would be taken off her record after an unspecified period. Her explanation does not excuse her failure to disclose the conviction, as the question clearly indicated that even expunged convictions had to be disclosed. Nevertheless, respondent’s failure to disclose the conviction is a negligent act, not an intentional one, and thus does not involve dishonesty.

4.  a. On June 13, 2006, in the District Court, Fifth Judicial District, County of Twin Falls, State of Idaho, in case number CR-2006-0003171, respondent was convicted, on her plea, of violating Idaho Vehicle Code section 18-2004 (driving under the influence), a misdemeanor. The court sentenced respondent to 90 days in county jail, with credit for one day, suspended the sentence, and placed respondent on probation for 12 months on terms and conditions that included supervision by a probation officer for the first three months, suspension of her driving privilege for 90 days, and payment of $462.50 in fines and fees.

b. The facts and circumstances surrounding the conviction are that, on April 23, 2006, at approximately 9:02 a.m., respondent was stopped by a police officer after driving erratically. Respondent had not been drinking alcoholic beverages, which was confirmed by breath and urine analysis. However, respondent was arrested as her speech was slurred and she could not perform any of the field dexterity tests administered by the peace officer. Respondent had taken a prescription medication for her migraine headaches, Soma, which can have side effects consistent with her behavior and symptoms. She had not eaten for two days, which may have exacerbated the symptoms.

5.  a. On August 10, 2007, in the Superior Court, Metropolitan Justice Building Division, County of Kern, State of California, in case number J241481, respondent was convicted, on her plea of nolo contendere, of violating Vehicle Code section 23103.5, subdivision (a) (reckless driving while under the influence), a misdemeanor. The court suspended imposition of sentence and placed respondent on bench probation for three years on terms and conditions that included service of two days in county jail, with credit for two days, and payment of a $975 fine. No substance-related conditions were imposed.
b. The circumstances surrounding the conviction are as follows. On September 6, 2006, while driving at approximately 3:42 p.m., respondent swerved to avoid hitting a vehicle and instead ran into a pole. The arresting officer noticed that her speech was slurred and her eyes were droopy. She was having difficulty standing and maintaining her balance. Respondent was unable to perform the two field sobriety tests the officer attempted to administer, and the officer stopped administration after concluding respondent was too unstable to complete the tests. Respondent appeared like she would fall asleep. Respondent had not ingested any alcoholic beverages, but had taken two prescription medications for her migraine headaches, Imitrex and Topamax about four hours earlier.

6. The convictions set forth in factual finding numbers 4 and 5, on their face, are substantially related to the duties, qualifications, and functions of a vocational nurse.

7. Respondent has suffered from migraine headaches for approximately 20 years, since she was 34 years old. A physician in Idaho prescribed Soma for the condition about two weeks before the 2006 arrest. Respondent was not told that she should not drive vehicles when taking the medication. She stopped taking Soma after the arrest, and returned to the clinic for a substitute. She received samples of Topamax and was told to take 25 milligrams three times each day. She was not warned about potential blurred vision, lack of coordination, loss of balance, or forgetfulness as potential side effects of the medication. She did not notice any significant side effects, except for some forgetfulness, and had been taking the medication for four months when she was involved in the accident in Bakersfield. The medications had been prescribed at specific intervals to prevent severe migraine attacks.

8. Manufacturer information warns about the following pertinent potential side affects: eye problems, including decrease in vision; adverse effects on thinking skills and alertness, causing confusion, tiredness, and sleepiness; and dizziness or loss of muscle coordination. Respondent had read the pharmacy materials provided with the medications, but did not realize the gravity of the side effects and dismissed them as not likely to affect her. She had not noticed any actual vision impairment, dizziness, or imbalance before the accident in Bakersfield.

9. Respondent no longer takes Soma or Topamax. She does not take any medications prophylactically. She takes extra strength Ibuprofen and, when the headaches are debilitating, which occurs about twice each month, she stays home and takes Imitrex.

10. Respondent worked as a licensed practical nurse at a rehabilitation center for 10 years before moving to California in 2006. Her last steady employment was from December 2006 to October 2007 at a convalescent home. Her employer expected to employ her as a licensed vocational nurse and kept her as a ward clerk, but let her go as the licensure process dragged on. Respondent performs odd jobs and relies on the support of family and friends.
LEGAL CONCLUSIONS

1. Cause exists to deny respondent’s application pursuant to Business and Professions Code sections 480, subdivision (a)(1), 493, 2866, subdivision (d), and 2878, subdivisions (a) and (f), and California Code of Regulations, title 16, section 2521, in that she was convicted of crimes substantially related to the qualifications, functions, and duties of a licensed vocational nurse, by reason of factual finding numbers 4 through 6.

2. Cause exists to deny respondent’s application pursuant to Business and Professions Code section 480, subdivision (c), in that she knowingly made a false statement of fact in the application for licensure, by reason of factual finding numbers 3 and 4.

3. Cause does not exist to deny respondent’s application pursuant to Business and Professions Code section 2878, subdivision (j), because she did not engage in conduct involving dishonesty, by reason of factual finding number 3.

4. Cause does not exist to deny respondent’s application pursuant to Business and Professions Code section 2878.5, subdivision (b), because it was not established that she used dangerous drugs to an extent or in a manner that was dangerous to herself or others, by reason of factual finding numbers 4 through 9. She took medication in accordance with the prescriptions, and unfortunately, was unaware of the escalating side effects before her arrest.

5. All evidence offered in mitigation and rehabilitation has been considered. Respondent was not engaged in the consumption of alcoholic beverages or controlled substances at the time of the arrests. She had taken prescription medications and was not aware of the serious side effects that ensued until it was too late. Respondent now recognizes the serious potential side effects and has stopped taking the medications. She has also stopped driving if the migraine headaches are severe. She worked as a licensed vocational nurse for ten years and there is no evidence of any problem with the care she provided her patients. Accordingly, denial of the license is not required for the protection of the public. However, because the convictions are recent and since respondent stopped taking Soma and Topamax in the relatively recent past, a period of routine monitoring is warranted. The order that follows is necessary and sufficient for the protection of the public.

ORDER

Respondent’s application for licensure as a licensed vocational nurse is granted. However, the license issued pursuant to this order shall immediately be revoked, which order of revocation shall be stayed and respondent’s license placed on probation for three years on the following conditions:

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 to the Board within
five (5) days of occurrence. To ensure compliance with this term, respondent shall submit two (2) completed fingerprint cards and the applicable fingerprint processing fees to the Board within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprint cards were previously submitted by the respondent. Respondent shall also submit a recent 2" x 2" photograph of herself within thirty (30) days of the effective date of the decision.

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, 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 verifications 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 Boards 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 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 she applies for or obtains a new nursing or psychiatric technician position 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 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 a 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 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 automatically be extended for the time period 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 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 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. Respondent shall notify any prospective health care employer of 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 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 any such 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 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.** During probation, the Respondent shall work in 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.

While on probation, 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 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. **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 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.
13. **VIOLATION OF PROBATION.** If respondent violates the conditions of 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 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.

DATED: 7/4/08

[Signature]

SAMUEL D. REYES
 Administrative Law Judge
 Office of Administrative Hearings
U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage $ 
Certified Fee 
Return Receipt Fee
(Endorsement Required) 
Restricted Delivery Fee
(Endorsement Required) 
Total Postage & Fees $ 

Sent to:

MARY M ROWLAND
2490 WILLOW RD
ARROYO GRANDE, CA. 93420

PS Form 3800. August 2000
See Reverse for Instructions

OFFICIAL USE

Mailed 2-2-10 at

MARY M ROWLAND
2490 WILLOW RD
ARROYO GRANDE, CA. 93420

PS Form 3811, February 2004
Domestic Return Receipt
102595-02-M-15

DOCUMENT RECEIVED

2-3-10

MARY M ROWLAND
2490 WILLOW RD
ARROYO GRANDE, CA. 93420

’10 FEB 8 AM 9:53

3. Service Type
   [ ] Certified Mail  [ ] Express Mail
   [ ] Registered  [ ] Return Receipt for Merchandising
   [ ] Insured Mail  [ ] C.O.D.

4. Restricted Delivery? (Extra Fee)  [ ] Yes