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

In the Matter of the Accusation Against: **ALLYSHA RAE ALMADA SHIN** **AKA ALLYSHA RAE ALMADA** **327 N. Vista Bonita Ave., #3** **Glendora, CA 91741** **Registered Nurse License No. 802190** **Public Health Nurse Certificate No. 81629** Respondent	Case No. 2017-925

DECISION AND ORDER

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

This Decision shall become effective on **March 8, 2018**.

IT IS SO ORDERED **March 8, 2018.**

Trande Phillips RN

Trande Phillips, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General
SHERONDA L. EDWARDS
Deputy Attorney General
State Bar No. 225404
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6296
Facsimile: (213) 897-2804
Attorneys for Complainant

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

In the Matter of the Accusation Against: **ALLYSHA RAE ALMADA SHIN, AKA ALLYSHA RAE ALMADA** 327 N. Vista Bonita Ave., #3 Glendora, CA 91741 Registered Nurse License No. 802190 Public Health Nurse Certificate No. 81629 Respondent.	Case No. 2017-925 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPROVAL** **[Bus. & Prof. Code § 495]**

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

PARTIES

1. Joseph L. Morris, PhD, MSN, RN (Complainant) is the Executive Officer of the Board of Registered Nursing (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Sheronda L. Edwards, Deputy Attorney General.

2. Respondent Allysha Rae Almada Shin, aka Allysha Rae Almada (Respondent) is represented in this proceeding by attorney Janice C. Mendel, whose address is: Law Offices of Janice C. Mendel, 21900 Burbank Blvd., 3rd Floor, Woodland Hills, CA 91367.

///

///

JURISDICTION

3. On or about July 20, 2011, the Board issued Registered Nurse License No. 802190 to Allysha Rae Almada Shin, aka Allysha Rae Almada (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2017-925 and will expire on August 31, 2018, unless renewed.

4. On or about October 11, 2011, the Board issued Public Health Nurse Certificate No. 81629 to Allysha Rae Almada Shin, aka Allysha Rae Almada (Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2017-925 and will expire on August 31, 2018, unless renewed.

5. Accusation No. 2017-925 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 23, 2017. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2017-925 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2017-925. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reproval.

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

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2017-925.

10. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

///

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 802190 and Public Health Nurse Certificate No. 81629 issued to Respondent Allysha Rae Almada Shin, aka Allysha Rae Almada (Respondent) shall be publicly reproved by the Board of Registered Nursing under Business and Professions Code section 495 in resolution of Accusation No. 2017-925, attached as exhibit A.

Cost Recovery. Respondent shall pay $4,278.04 to the Board for its costs associated with the investigation and enforcement of this matter. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew her Registered Nurse License until Respondent pays costs in full.

///

///

///

///

///

///

///

///

///

///

///

///

///

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reproval and have fully discussed it with my attorney, Janice C. Mendel. I understand the stipulation and the effect it will have on my Registered Nurse License, and Public Health Nurse Certificate. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 12/14/17

ALLYSHA RAE ALMADA SHIN, AKA ALLYSHA RAE ALMADA
Respondent

I have read and fully discussed with Respondent Allysha Rae Almada Shin, aka Allysha Rae Almada the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reproval. I approve its form and content.

DATED: Dec. 14, 2017

JANICE C. MENDEL
Attorney for Respondent

ENDORSEMENT

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

Dated: 12/18/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

SHERONDA L. EDWARDS
Deputy Attorney General
Attorneys for Complainant

LA2017603221
52717085.doc

Exhibit A

Accusation No. 2017-925

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General
SHERONDA L. EDWARDS
Deputy Attorney General
State Bar No. 225404
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2537
Facsimile: (213) 897-2804
E-mail: Sheronda.Edwards@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against: **ALLYSHA RAE ALMADA SHIN, AKA ALLYSHA RAE ALMADA** **327 N. Vista Bonita Ave., #3** **Glendora, CA 91741** **Registered Nurse License No. 802190** **Public Health Nurse Certificate No. 81629** Respondent.	Case No. 2017-925 **ACCUSATION**

Complainant alleges:

PARTIES

1. Joseph L. Morris, PhD, MSN, RN (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about July 20, 2011, the Board of Registered Nursing issued Registered Nurse License Number 802190 to Allysha Rae Almada Shin, aka Allysha Rae Almada (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2018, unless renewed.

///

///

3. On or about October 11, 2011, the Board of Registered Nursing issued Public Health Nurse Certificate Number 81629 to Allysha Rae Almada Shin, aka Allysha Rae Almada (Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2018, unless renewed.

JURISDICTION

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

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

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

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

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

"...

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it."

///

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the Code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

9. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

"(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

"(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

STATEMENT OF FACTS

11. From September 20, 2010 through August 20, 2015, Respondent was employed as a registered nurse in the Intensive Care Unit of Huntington Memorial Hospital in Pasadena, CA. On October 12, 2015, the Board of Registered Nursing received a letter of complaint from Huntington Memorial Hospital, alleging that Respondent shared her identification and password with another nurse in order to "make it appear as though [Respondent] had verified that the insulin drip had been properly titrated by RN V.L."

12. On August 23, 2010, Respondent signed a "Confidentiality, Computer Usage and Accountability Agreement" (Confidentiality Agreement). In pertinent part, paragraph 4 of the Agreement provides that "[I] am the only person who has possession of my unique user ID and password, and will not share this information with others or allow anyone to access information systems using my user ID and password." Respondent also agreed to paragraph 6, providing "[I] understand that my user ID and password are the equivalent of my signature and that I am accountable for all data and actions recorded under them."

13. Huntington Memorial Hospital's Clinical Policy & Procedure provides, in pertinent part, that insulin is designated as a "High Risk/High Alert Double Check Medication." It further provides: "Double-checking of specific medications is required to reduce the risk of error. The process of double-checking involves two RNs, RN and a pharmacist, or RN and a physician. Subcutaneous insulin may be checked by an LVN."

///

///

14. The patients in the Coronary Care Unit are on certain IV medications, which must be checked and monitored on a regular basis. Every hour on the hour, the Intensive Care Unit RN must check the patient's blood sugar, and make calculations as to the patient's blood sugar value. Then the RN calls a second RN to verify the calculations so that the correct dose of insulin is administered. An incorrect dose could be fatal to the patient.

15. On July 13, 2015, RN T.G. handed off Patient 1 to RN V.L. for the evening shift. On July 14, 2015, RN T.G. started her day shift with Patient 1 and found a piece of paper called the "Off Bypass Call" sheet on the Computer on Wheels bearing the username and password of Respondent.

16. On July 14, 2015, RN T.G. reported the incident to the Critical Care Unit Manager and the hospital's Compliance Hotline.

17. A review of Patient 1's medical record indicates entries by RN V.L. and reflect that insulin was ordered and completed on July 13, 2015 at 19:10 hours, performed and verified by RN V.L. at 20:00 hours. Then allegedly witnessed by Respondent at 20:00 hours.

18. On August 7, 2015, during a meeting with the Critical Care Unit Manager and Senior Human Resources Business Partner, Respondent was asked whether she witnessed the administration of medication by RN V.L. for Patient 1 on July 13, 2015. Respondent said, "I don't remember working with [RN V.L.] on that night." When asked why she wrote down her username and password on the date of July 13, 2015, on the "Off Bypass Call" sheet and for Patient 1, Respondent said, "I usually write it on a piece of scratch paper. Too many changes to passwords and I sometimes don't remember – must have been busy." Respondent was then suspended from work pending further investigation regarding falsification of documentation, violations of the Confidentiality Agreement, and failure to comply with the double-check process for administering insulin.

19. In Respondent's declaration of August 11, 2015, she stated that she did write down her username and password "on what I thought was 'scratch paper.' At times when I am tired, I will write things down in order to prompt my memory. Instead of locking myself out of Cerner with multiple failed login attempts, I will sometimes write down my information as a

visual/physical prompt. I acknowledge that this was and is a bad habit and can be unsafe." She further stated that, "Although I do not recall giving [RN V.L.] my sign-on information that night, it is a common practice for ICU nurses to share that information as a way to deal with the double-checking requirement for insulin drips. Having a second nurse physically go to the primary nurse's patient's room to witness an insulin drip titration in real time is often impossible given the many other crucial aspects of patient care we are dealing with for ICU patients. Nurses being unavailable to double-check insulin drips is what has led to the practice."

20. On August 9, 2016, the Board of Registered Nursing Inspector interviewed Respondent with her attorney. Respondent acknowledged she had received training of the Computer Usage, Confidentiality and Accountability policy on April 2, 2015, while employed as a RN at Huntington Memorial Hospital. Respondent also stated that she understood she was not to share passwords.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Incompetence)

21. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), as defined in California Code of Regulations, title 16, sections 1443 and 1443.5(2), on the grounds of incompetence in that Respondent breached the Confidentiality Agreement, aided and abetted in the falsification of a medical record, and failed to comply with the double-check process for administering insulin. Complainant refers to and incorporates all the facts and allegations contained in Paragraphs 11 through 20, as though set forth fully.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Violation of Nursing Practice Act)

22. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and (d), as defined in California Code of Regulations, title 16, sections 1443 and 1443.5(2), for general unprofessional conduct and/or violating or attempting to violate, any provision or term of the Nursing Practice Act. Complainant refers to and incorporates all the facts and allegations contained in Paragraphs 11 through 20, as though set forth fully.

///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 802190, issued to Allysha Rae Almada Shin, aka Allysha Rae Almada;

2. Revoking or suspending Public Health Nurse Certificate Number 81629, issued to Allysha Rae Almada Shin, aka Allysha Rae Almada;

3. Ordering Allysha Rae Almada Shin to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: May 23, 2017

for JOSEPH L. MORRIS, PHD, MSN, RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2017603221
051717.docx