



When Caregivers Harm
America's Unwatched Nurses

California Eyes Discipline for 2,000 Nurses Sanctioned by Other States



confronted about these allegations
admitted diverting Fentanyl from t
that NABLO admitted getting urine from a staff member (g) and hiding it in her bra; that NABLO'S bag was searched

DEPARTMENT OF CONSUMER AFFAIRS	
BOARD of REGISTERED NURSING	
Licensee Name:	NABLO MARCI ANN
License Type:	Registered Nurse
License Number:	593208
License Status:	ACTIVE Definition
Expiration Date:	October 31, 2011
Issue Date:	January 10, 2002
County:	OUT OF STATE
Actions:	No

Marci Nablo, whose California's nursing license remains active, surrendered her Florida nursing license in 2007 after admitting

by Tracy Weber and Charles Ornstein
ProPublica, June 27, 2010, 7 p.m.

This story was co-published [1] with *The Los Angeles Times*.

California's registered nursing board has discovered that some 3,500 of its nurses have been punished for misconduct by other states — hundreds even had their licenses revoked — while maintaining clean licenses in the state.

As many as 2,000 of these nurses now will face discipline in California, officials estimate. That's more registered nurses than the state has sanctioned in the last four years combined.

The board's discovery was prompted by a Los Angeles Times/ProPublica investigation last year [2] that found hundreds of instances in which California nurses had been sanctioned elsewhere for sexual abuse, neglect, rampant drug use and criminality but could work freely in California.

The "massive" onslaught of new disciplinary cases is going to be "a very significant challenge," said Paul Riches, a deputy director for the state Department of Consumer Affairs, which oversees the agencies that license and police health professionals.

After last year's report by [ProPublica and The Times](#) [2], California ran its list of 376,000 active and inactive nurses against a database maintained by the National Council of State Boards of Nursing, to which nearly all states voluntarily report their disciplinary actions. Among the matches were nurses who had been disciplined by multiple states, sometimes for the same incident.

California officials said they couldn't disclose the names of any nurses [who turned up in the search](#) [3] until a formal disciplinary charge is filed. While those cases are pending, the nurses remain free to practice in California.

Nurses are not required to inform the board when and where they are working, but officials said they would file emergency petitions to suspend nurses from practicing if they believed there was a public safety threat.

A review of disciplinary records by reporters easily found cases involving current California-licensed nurses, some reflecting serious misconduct. Among them:

- Marci Nablo, who [surrendered her Florida nursing license in 2007](#) [4] after admitting that she stole the painkiller Fentanyl from patients' pain pumps, replaced it with saline and injected the drug under her tongue. She also was accused of paying a hospital janitor for urine and hiding it in her bra so she could pass a drug test. After she stole drugs in Pennsylvania, her license in that state was suspended in 2008.
- Karen Vivian, whose license [was suspended by Nebraska](#) [5] in 2008 after she made nine medication errors, including putting ear drops into a patient's eye. A mental health exam found that she had bipolar disorder that "made her vulnerable in the work environment," board records said. A year later, she also [surrendered her Minnesota license](#) [6].
- Gregory Ashmore, whose [Tennessee license was revoked in 2002](#) [7] after he engaged in sexual intercourse with a patient at the mental health facility where he worked.

Ashmore, who lives in the Northern California town of Fairfield, declined to comment on his case. But when asked whether he should have been disciplined by California, he said it was up to the nursing board to decide.

Vivian lives in Nebraska and is not working as a nurse. But she said she'd thought about moving to California, where her license remains clean.

She said California should know about every case involving one of its nurses, even though she considers hers less serious than [drug-using nurses](#) [8] or those with [criminal records](#) [9].

"Why don't they check the national databank?" she asked. "They can get the information the same way you did.... If I'm a patient, I would want to know."

Nablo could not be reached for comment.

California's Board of Registered Nursing has historically done little to check whether its nurses were running into trouble anywhere.

Until late 2008, the state did not require nurses, when renewing their licenses, to reveal whether they'd been disciplined elsewhere. The board checked their records against the national council's database of disciplinary actions only when they initially applied for a California license.

Board President Ann Boynton said the board now plans to pay the national council to run checks of California

nurses on a quarterly basis.

The risks of not checking can be serious. The Times/ProPublica investigation detailed cases in which nurses sanctioned in another state moved to California [10] and were later accused of misconduct.

Nurse Beverley Cathey, for instance, came to California after being put on probation in North Carolina in November 2006 for failing to account for drugs she'd signed out, falsifying records and providing negligent care. Four Los Angeles-area hospitals filed six complaints against her in August and September of 2007, according to records [11] from a temporary staffing firm that hired Cathey.

The California board did not file a public accusation against her license until August 2009, nearly two years after North Carolina indefinitely suspended her.

The nursing board has struggled to address a host of problems identified in last year's news report.

The priority has been to reduce the time it takes to discipline errant caregivers — from the more than three years reported in the Times/ProPublica investigation to less than 18 months. Until recently, nurses had been able to keep working — and getting in trouble — as complaints languished.

After the stories in The Times and ProPublica, Gov. Arnold Schwarzenegger replaced the majority of the nursing board's members [12] and ordered broad changes in oversight of all health professionals. His budget request for more than 30 staffers to cut the board's discipline backlog is pending in the Legislature.

Board staff had said they needed nearly double that.

"It's going to be a lot on our staff," said board President Boynton, referring to 2,000 new cases.

Officials say the cases are going to be handled separately from the hundreds already being investigated or adjudicated. The attorney general's office is creating teams of attorneys in Northern and Southern California to handle the additional caseload.

These new cases should be easier to process because the alleged misconduct has been investigated and adjudicated elsewhere. But the state still needs to collect records from across the country and ensure that the investigations meet California standards, officials said. The costs can be absorbed within the nursing board's existing budget, which is funded by licensing fees, officials said.

The attorneys will focus first on the 1,743 nurses whose licenses are active in California. The licenses of more than 430 in this group have been revoked, suspended or surrendered in other states.

The state plans to flag the licenses of the remaining 1,720 nurses whose status is inactive, in case they attempt to renew them.

Disciplined

Sanctions imposed by other states on California nurses with active or inactive licenses:

Type of discipline	Active	Inactive
Revocation	144	310
Suspension	209	332
Surrender	72	0
Emergency suspensions	11	15
Probation	429	446
Denied license	92	42
Reprimand or censure	387	324
Restriction	15	11
Fine	269	156
Other action	115	84
Total	1,743	1,720

Note: Some nurses were disciplined in more than one state. The most serious sanction is listed.

Source: California Board of Registered Nursing

Other states routinely do more to learn if their nurses are getting in trouble elsewhere. Thirty-seven states and the District of Columbia provide the names of all of their nurses — whether they've been disciplined or not — to the national council's database so that if any nursing board takes action against a nurse, the other participating states can be quickly alerted.

But because California and 12 other states don't participate, it's difficult for regulators elsewhere to know if they should alert those states. Nonparticipating states license more than 40 percent of the nation's 3.5 million registered nurses.

California also has a financial incentive not to submit its names. The state makes money by charging nurses a fee to verify their licenses, test scores and training when authorities in other states call for information.

For example, a nurse licensed in California who wants credentials to practice in Arizona must pay California \$60 to confirm her background. Those sorts of checks netted California nearly \$1 million in fiscal 2009.

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1. <http://www.latimes.com/news/local/la-me-adv-nurses-20100628,0,2650096.story>
 2. <http://www.propublica.org/series/nurses>
 3. <http://s3.amazonaws.com/propublica/assets/docs/brn%20analysis.pdf>
 4. <http://s3.amazonaws.com/propublica/assets/docs/nablo-marci-h-2006.pdf>
 5. <http://www.nebraska.gov/LISSearch/actions/53615.pdf>
 6. https://www.hlb.state.mn.us/mbn/Portal/PublicDocs/R%20171047-0%20_20090408125944.pdf
 7. <http://health.state.tn.us/licensure/DisplayPdf.aspx?profCode=1703&LicenseNum=105248&actionDate=9/10/2002>
 8. <http://www.propublica.org/feature/loose-reins-on-california-nurses-in-drug-abuse-program-725>
 9. <http://www.propublica.org/feature/california-fingerprinting-of-medical-licensees-1230>
 10. <http://www.latimes.com/news/local/la-me-nurseday2-18july2009-f,0,5290111.flash>
 11. <http://www.propublica.org/feature/temporary-nurses-danger-inadequate-oversight-1206>
 12. <http://www.propublica.org/feature/schwarzenegger-replaces-most-of-state-nursing-board-713>

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