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

BOARD OF REGISTERED NURSING

Loretta Melby RN, MSN

Loretta Melby, RN, MSN
Executive Officer



10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 4002022000621

15 **DANALEE DELOSSANTOS PASCUA,**
16 **AKA DANALEE SOLIS DELOSSANTOS**
17 **7180 Woodshawn Drive**
18 **San Diego, CA 92114**

ACCUSATION

17 **Registered Nurse License No. 95071002**
18 **Public Health Nurse Certificate No. 552854**

19 Respondent.

20 **PARTIES**

21 1. Loretta Melby, R.N., M.S.N. (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
23 Department of Consumer Affairs.

24 2. On or about September 3, 2015, the Board of Registered Nursing issued Registered
25 Nurse License Number 95071002 to Danalee Delossantos Pascua, aka Danalee Solis Delossantos
26 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
27 the charges brought herein and will expire on March 31, 2025, unless renewed.
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3. On or about April 18, 2017, the Board issued Public Health Nurse Certificate Number 552854 to 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 March 31, 2025, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (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:

(a) 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:

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

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

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REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1442 (Regulation 1442), states:

As used in Section 2761 of the code, “gross negligence” includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client’s health or life.

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1 9. California Code of Regulations, title 16, section 1443 (Regulation 1443), states:

2 As used in Section 2761 of the code, “incompetence” means the lack of
3 possession of or the failure to exercise that degree of learning, skill, care and
4 experience ordinarily possessed and exercised by a competent registered nurse as
described in Section 1443.5.

5 10. California Code of Regulations, title 16, section 1443.5 (Regulation 1443.5), states:

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

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

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

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

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

16 (5) Evaluates the effectiveness of the care plan through observation of the
17 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,
18 and modifies the plan as needed.

19 (6) Acts as the client’s advocate, as circumstances require, by initiating action
20 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.

21 **COST RECOVERY**

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

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FACTUAL ALLEGATIONS

12. Respondent was working as a registered nurse for the County of San Diego and assigned to Las Colinas Detention and Re-Entry Facility (Las Colinas) at all times relevant to this Accusation. On November 11, 2019, Respondent was assigned to the Medical Observation Unit (MOB) at Las Colinas. Inmate E.S. was in an isolation cell in the MOB. E.S. had been vomiting, was pregnant, was withdrawing from drugs and alcohol, and had possibly been experiencing seizures or seizure-like activity.

13. On November 11, 2019, Respondent reported to work at approximately 6:04 p.m. and conducted rounds. Respondent arrived at E.S.'s cell at approximately 7:06 p.m. A custodial deputy accompanied Respondent and ordered E.S. to come to the cell door. E.S. put her arm through the food flap, and Respondent attempted to take her blood pressure through the food flap. E.S.'s arm retracted back through the food flap with the blood pressure cuff still on it before Respondent could obtain a reading. Respondent and the custodial officer entered the cell to retrieve the cuff and try again. Respondent noted that E.S. "kind of slid down" the wall and sat with her eyes closed, which Respondent perceived as a "behavior" to avoid returning to the general population. Respondent attempted to obtain a blood pressure reading but was unable to due to E.S.'s arm stiffening. Respondent attempted to obtain E.S.'s oxygen level, which had been low earlier in the day, but was unable. Respondent charted that E.S.'s respiratory rate was "slow," without charting what the rate was or notifying a doctor.

14. Despite not obtaining vitals for E.S., Respondent informed the deputy the vitals were good and E.S. was okay. Respondent and the deputy left E.S.'s cell at approximately 7:11 p.m, with E.S. laying on the floor, her neck bent forward. Surveillance video showed E.S. appeared to be twitching. Her last movement occurred at 7:14 p.m.

15. At some point after leaving E.S.'s cell, Respondent learned that E.S. had urinated on herself, but Respondent did not think anything of it or check on E.S. at that time.

16. At approximately 8:05 p.m., Respondent walked past E.S.'s cell, noticed E.S. to be pale, and called for assistance. Respondent attempted to take E.S.'s pulse but, unsure if she was

1 feeling the patient's pulse or her own pulse, asked the deputy to do it. The deputy could not find
2 a pulse. Life saving measures were attempted but did not resuscitate E.S.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Gross Negligence – Failure to Obtain Vitals)**

5 17. Respondent is subject to disciplinary action under Code section 2761, subdivisions
6 (a)(1) and (a)(2), in conjunction with Regulation 1442, in that she left a critically ill patient
7 without obtaining her vital signs, and in a potentially dangerous position, as more fully set forth
8 in paragraphs 12 through 16, above, and incorporated herein by reference.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Incompetence - Failure to Obtain Vitals)**

11 18. Respondent is subject to disciplinary action under Code section 2761, subdivisions
12 (a)(1) and (a)(2), in conjunction with Regulation 1443, in that she left a critically ill patient
13 without obtaining her vital signs, and in a potentially dangerous position, as more fully set forth
14 in paragraphs 12 through 16, above, and incorporated herein by reference.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Incompetence - Failure to Recognize Changes in Condition)**

17 19. Respondent is subject to disciplinary action under Code section 2761, subdivisions
18 (a)(1) and (a)(2), in conjunction with Regulation 1443, in that Respondent failed to recognize the
19 patient's "slid[e] down" the wall or the patient's incontinence as a change in condition requiring a
20 full nursing assessment, as more fully set forth in paragraphs 12 through 16, above, and
21 incorporated herein by reference.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(General Unprofessional Conduct)**

24 20. Respondent is subject to disciplinary action under Code section 2761(a)(1) based on
25 the conduct more fully set forth in paragraphs 12 through 16, above, and incorporated herein by
26 reference.

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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:

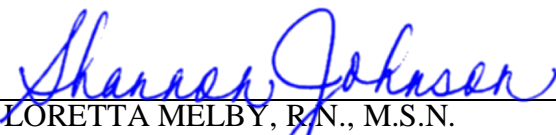
1. Revoking or suspending Registered Nurse License Number 95071002, issued to Danalee Delossantos Pascua, aka Danalee Solis Delossantos;

2. Revoking or suspending Public Health Nurse Certificate Number 552854, issued to Danalee Delossantos Pascua, aka Danalee Solis Delossantos;

3. Ordering Danalee Delossantos Pascua 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, if placed on probation, the costs of probation monitoring; and,

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

DATED: May 8, 2024

for 
LORETTA MELBY, R.N., M.S.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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