

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

In the Matter of the Accusation Against:

MARY LOUISE KINT
725 Madison Place
Ann Arbor, MI 48103

Alternate Address:
1717 Waverly Road
Ann Arbor, MI 48103

Registered Nurse License No. 425562
Public Health Nurse License No. 43499
Nurse Practitioner License No. 7167
Nurse Practitioner Furnishing No. 7167

Respondent

Case No. 2004-258

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on January 2, 2005.

IT IS SO ORDERED December 3, 2004.

Sandra K. Erickson

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

1 BILL LOCKYER, Attorney General
of the State of California
2 CHAR SACHSON, State Bar No. 161032
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
5 Facsimile: (415) 703-5480
6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2004-258

11 MARY LOUISE KINT
12 725 Madison Place
Ann Arbor, MI 48103

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 Alternate address:
14 1717 Waverly Road
Ann Arbor, MI 48103

15 Registered Nurse License No. 425562
16 Public Health Nurse License Number 43499
Nurse Practitioner License Number 7167
17 Nurse Practitioner License Number 7167

18 Respondent.

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

22 PARTIES

23 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Char
26 Sachson, Deputy Attorney General.

27 2. Respondent Mary Louise Kint (Respondent) is represented in this
28 proceeding by attorney Deborah Phillips, whose address is Anthony & Carlson, 1999 Harrison

1 St., Suite 2000, Oakland, CA 94612-3582.

2 3. On or about April 30, 1988, the Board of Registered Nursing issued
3 Registered Nurse License Number 425562 to Respondent. Registered Nurse License Number
4 425562 expired on June 30, 2001 and has not been renewed.

5 4. On or about July 11, 1988, the Board of Registered Nursing issued Public
6 Health Nurse License Number 43499 to Respondent. Public Health Nurse License Number
7 43499 expired on June 30, 2001 and has not been renewed.

8 5. On or about August 5, 1994, the Board of Registered Nursing issued Nurse
9 Practitioner License Number 7167 to Respondent. Nurse Practitioner License Number 7167
10 expired on June 30, 2001 and has not been renewed.

11 6. On or about June 30, 1996, the Board of Registered Nursing issued Nurse
12 Practitioner Furnisher License Number 7167 to Respondent. Nurse Practitioner Furnisher
13 License Number 7167 expired on June 30, 2001 and has not been renewed.

14 JURISDICTION

15 7. Accusation No. 2004-258 was filed before the Board of Registered
16 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
17 The Accusation and all other statutorily required documents were properly served on Respondent
18 on March 22, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A
19 copy of Accusation No. 2004-258 is attached as exhibit A and incorporated herein by reference.

20 ADVISEMENT AND WAIVERS

21 8. Respondent has carefully read, fully discussed with counsel, and
22 understands the charges and allegations in Accusation No. 2004-258. Respondent also has
23 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
24 Settlement and Order.

25 9. Respondent is fully aware of her legal rights in this matter, including the
26 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
27 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
28 the right to present evidence and to testify on her own behalf; the right to the issuance of

1 subpoenas to compel the attendance of witnesses and the production of documents; the right to
2 reconsideration and court review of an adverse decision; and all other rights accorded by the
3 California Administrative Procedure Act and other applicable laws.

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

6 CULPABILITY

7 11. Respondent understands and agrees that the charges and allegations in
8 Accusation No. 2004-258, if proven at a hearing, constitute cause for imposing discipline upon
9 her Registered Nurse License.

10 12. Respondent agrees that her Registered Nurse License is subject to
11 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
12 Disciplinary Order below.

13 CIRCUMSTANCES IN MITIGATION

14 13. Respondent Mary Louisc Kint has been a practicing registered nurse for 16
15 years and has never been the subject of any disciplinary action. She understands that a
16 continuing pregnancy was missed at the initial visit 12/19/97, but a pregnancy test was not
17 indicated by exam or the Planned Parenthood protocol in use at that time. The patient was
18 instructed at the time of the therapeutic abortion, and again at her two-week post-procedure visit,
19 to notify the Planned Parenthood clinic if no menses had resumed by six weeks after the
20 procedure. Mary Kint did not have any interim discussion with the patient and was not otherwise
21 notified that the patient's menses had not returned until the patient's next visit 2/18/98, at which
22 time a pregnancy was diagnosed by exam and urine test.

23 CONTINGENCY

24 14. This stipulation shall be subject to approval by the Board of Registered
25 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
26 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
27 and settlement, without notice to or participation by Respondent. By signing the stipulation,
28 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind

1 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
2 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
3 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
4 between the parties, and the Board shall not be disqualified from further action by having
5 considered this matter.

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

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

12 **DISCIPLINARY ORDER**

13 IT IS HEREBY ORDERED that Registered Nurse License Number 425562,
14 Public Health Nurse License Number 43499, Nursc Practitioner License Number 7167, Nurse
15 Practitioner License Number 7167 heretofore issued to respondent shall, by way of letter from
16 the Executive Officer, be publicly reprimanded. Said letter of public reprimand will issue as set
17 forth herein above and shall be in the same form as the letter attached as exhibit B hereto.

18 **ACCEPTANCE**

19 I have carefully read the Stipulated Settlement and Disciplinary Order. I
20 understand the stipulation and the effect it will have on my Registered Nurse License. I enter
21 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
22 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

23 DATED: 6/3/04


24
25 
26 MARY LOUISE KINT
Respondent

27 I have read and fully discussed with Respondent Mary Louise Kint the terms and
28 conditions and other matters contained in this Stipulated Surrender of License and Order. I

1 approve its form and content.

2 DATED: June 7, 2004

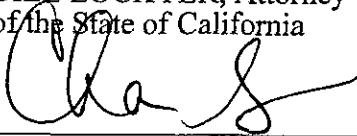
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DEBORAH PHILLIPS
Attorney for Respondent

ENDORSEMENT

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

DATED: 7/15/04

BILL LOCKYER, Attorney General
of the State of California

CIAR SACHSON
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: SF2004400037
40020285.wpd

Exhibit A
Accusation No.

1 BILL LOCKYER, Attorney General
of the State of California
2 CHAR SACHSON, State Bar No. 161032
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2004-258

11 MARY LOUISE KINT
725 Madison Place
12 Ann Arbor, MI 48103

ACCUSATION

13 Registered Nurse License No. 425562
Public Health Nurse License No. 43499
14 Nurse Practitioner License No. 7167
Nurse Practitioner Furnisher License No. 7167

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

- 19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.
- 22 2. On or about April 30, 1988, the Board of Registered Nursing issued
23 Registered Nurse License Number 425562 to Mary Louise Kint (Respondent). Registered
24 Nursing License Number 425562 expired on June 30, 2001 and has not been renewed.
- 25 3. On or about July 11, 1988, the Board of Registered Nursing issued Public
26 Health Nurse License Number 43499 to Respondent. Public Health Nurse License Number
27 43499 expired on June 30, 2001 and has not been renewed.
28

1 4. On or about August 5, 1994, the Board of Registered Nursing issued Nurse
2 Practitioner License Number 7167 to Respondent. Nurse Practitioner License Number 7167
3 expired on June 30, 2001 and has not been renewed.

4 5. On or about June 30, 1996, the Board of Registered Nursing issued Nurse
5 Practitioner Furnisher License Number 7167 to Respondent. Nurse Practitioner Furnisher
6 License Number 7167 expired on June 30, 2001 and has not been renewed.

7
8 JURISDICTION

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

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

16 8. Section 2761 of the Code states:

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

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

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

22 ...
23 9. California Code of Regulations, title 16, section 1442, states:

24 "As used in Section 2761 of the code, 'gross negligence' includes an extreme
25 departure from the standard of care which, under similar circumstances, would have ordinarily
26 been exercised by a competent registered nurse. Such an extreme departure means the repeated
27 failure to provide nursing care as required or failure to provide care or to exercise ordinary
28 precaution in a single situation which the nurse knew, or should have known, could have

1 jeopardized the client's health or life."

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

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

6 11. Section 118, subdivision (b), of the Code provides that the expiration of a
7 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
8 period within which the license may be renewed, restored, reissued or reinstated.

9 12. Section 125.3 of the Code provides, in pertinent part, that the Board may
10 request the administrative law judge to direct a licentiate found to have committed a violation or
11 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
12 and enforcement of the case.

13 FACTUAL BACKGROUND

14 13. On November 18, 1997, J.B., a twenty-five year old woman, went to
15 Planned Parenthood Golden Gate ("Planned Parenthood") in San Francisco, California, for a
16 pregnancy test. Her last menstrual period was on October 5, 1997. Planned Parenthood
17 administered a pregnancy test to J.B., and the result was positive.

18 14. J.B. returned to Planned Parenthood on November 25, 1997. J.B. received
19 "Post Abortion Instructions" which advise patients to make an appointment with Planned
20 Parenthood if menses do not start within six weeks after the abortion. J.B. had an abortion at
21 Planned Parenthood on or about December 4, 1997.

22 15. On December 19, 1997, J.B. returned to Planned Parenthood for a follow-
23 up visit, complaining of bloating, cramping, and no return of menses. Respondent examined J.B.
24 and found her breasts, genitalia, vagina, cervix, uterus and adnexa (fallopian tubes and ovaries)
25 to be within normal limits.

26 16. On January 20, 1998, J.B. called Planned Parenthood and reported her
27 concerns regarding the failure of menses to return, bloating, breast tenderness and continued
28 cramping. The Planned Parenthood staff person with whom J.B. spoke reassured J.B., told her

1 everything was normal, and that her period should return in a few weeks.

2 17. J.B. called Planned Parenthood again several times, and scheduled an
3 appointment for February 18, 1998. Respondent saw J.B. on February 18. J.B. reported that she
4 still had not gotten her period, that she had gained approximately 20 pounds, that she was
5 bloated, had swollen breasts, a swollen stomach, and did not feel right. Respondent examined
6 J.B. and told her that everything was fine. J.B. continued to voice her complaints to Respondent,
7 who then ordered a pregnancy test the result of which was positive.

8 18. J.B. went to another facility on February 24, 1998 and had a sonogram
9 which showed part of a growing fetus. J.B. had a second semester abortion on February 28,
10 1998.

11 FIRST CAUSE FOR DISCIPLINE

12 (GROSS NEGLIGENCE)

13 19. Respondent is subject to disciplinary action under section 2761(a)(1) in
14 that she was grossly negligent when she failed to recognize J.B.'s continuing pregnancy on
15 December 19, 1997 and failed to order a pregnancy test, necessitating a second trimester
16 abortion.

17 SECOND CAUSE FOR DISCIPLINE

18 (INCOMPETENCE)

19 20. Respondent is subject to disciplinary action under section 2761(a)(1) in
20 that she was incompetent when she failed to recognize J.B.'s continuing pregnancy on December
21 19, 1997 and failed to order a pregnancy test, necessitating a second trimester abortion,.

22 21. Respondent is subject to disciplinary action under section 2761(a)(1) in
23 that she was incompetent when she failed to recognize J.B.'s continuing pregnancy on February
24 18, 1998.

25 THIRD CAUSE FOR DISCIPLINE

26 (UNPROFESSIONAL CONDUCT)

27 22. Respondent is subject to disciplinary action under section 2761(a) in that
28 she acted unprofessionally when she failed to recognize J.B.'s continuing pregnancy on

1 December 19, 1997 and failed to order a pregnancy test, necessitating a second trimester
2 abortion.

3 23. Respondent is subject to disciplinary action under section 2761(a) in that
4 she acted unprofessionally when she failed to recognize J.B.'s continuing pregnancy on February
5 18, 1998.

6 PRAYER

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

9 1. Revoking or suspending Registered Nurse License Number 425562, issued
10 to Mary Louise Kint;

11 2. Revoking or suspending Public Health Nurse License Number 43499,
12 issued to Mary Louise Kint;

13 3. Revoking or suspending Nurse Practitioner License Number 7167, issued
14 to Mary Louise Kint;

15 4. Revoking or suspending Nurse Practitioner Furnisher License Number
16 7167, issued to Mary Louise Kint;

17 5. Ordering Mary Louise Kint to pay the Board of Registered Nursing the
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19 Professions Code section 125.3;

20 6. Taking such other and further action as deemed necessary and proper.

21 DATED: 3/22/04

22
23
24 Ruth Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
Complainant

April 6, 2004

Mary Louise Kint
1717 Waverly Road
Ann Arbor, MI 48103

RE: PUBLIC REPRIMAND
In the Matter of the Accusation Against:
MARY LOUISE KINT
Board of Registered Nursing Case No. 2004-258

Dear Ms. Kint:

On March 22, 2004, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your license to practice registered nursing alleging unprofessional conduct under Business and Professions Code section 2761 regarding your conduct on or about December 19, 1997 and February 18, 1998, wherein you are alleged to have failed to recognize a continuing pregnancy in a post-abortion patient.

Taking into consideration the fact that you have been licensed by the Board since 1988 without any prior disciplinary action, that the conduct was over six years ago, and that you no longer intend to practice in this state, the Board staff has decided that the charges warrant a public reprimand.

Accordingly, pursuant to the authority provided under section 495 of the Business and Professions Code, and in resolution of this matter, the Board of Registered Nursing hereby issues this letter of public reprimand.

Sincerely,

Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California