



## OHIO BOARD OF NURSING

### MINUTES OF MEETING

#### **REGULAR MEETING OF THE BOARD MARCH 18-19, 2010**

The regular meeting of the Ohio Board of Nursing (Board) was held on March 18-19, 2010 at the Board office located at 17 South High Street, Suite 400, Columbus, Ohio 43215. The President, Vice-President, and Executive Director reviewed the agenda prior to the meeting.

On Thursday, March 18, at 8:31 a.m., Vice-President Patricia Protopapa, serving as the Presiding Officer in the absence of the President, called the Board meeting to order. On Friday, March 19 at 8:33 a.m., Patricia Protopapa called the Board meeting to order. Board Supervising Member for Disciplinary Matters, Anne Barnett, serving as Vice-President for this meeting, read the Board mission each day. Patricia Protopapa recognized students, welcomed the gallery, and requested that Board Members introduce themselves.

#### **BOARD MEMBERS**

Bertha Lovelace, RN, President (Absent)  
Patricia Protopapa, LPN, Vice-President  
Anne Barnett, RN, Board Supervising Member for Disciplinary Matters  
Judith Church, RN  
Kathleen Driscoll, RN  
Delphenia Gilbert, RN  
Maryam Lyon, RN  
Johnnie Maier, Consumer Member  
J. Jane McFee, LPN  
Melissa Meyer, LPN  
Tracy Ruegg, RN  
Roberta Stokes, RN  
Eric Yoon, RN

Unless noted in these minutes as exhibits, all written reports submitted to the Board are maintained in the Board office according to the Board record retention schedule.

#### **ADMINISTRATIVE MATTERS**

##### **Board Meeting Overview**

On Thursday, the Board Reception was held at 8:00 a.m.; Mary Phillips, RN, and Attorney Elizabeth Collis addressed the Board at 1:00 p.m.; Executive Session was held at 2:00 p.m. with deliberations following the Executive Session. Open Forum was held at 10:00 a.m. on Thursday and Friday.

### **Minutes of January 21-22, 2010 Board Meeting**

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier that the Board accept the minutes of the January 21-22, 2010 Board meeting as submitted. Motion adopted by unanimous vote of the Board members.

### **Executive Director Report**

Betsy Houchen highlighted the following from the Executive Director Report:

- Over the last several years, the Board has been reporting disciplinary actions within 30 days to HIPDB, the federal database for licensees who are disciplined. Over the coming months, Board staff will review previous years' work and complete the review and updating by July 1, 2010.
- Immediate past President Lisa Klenke has been nominated for the 2010 NCSBN Exceptional Leadership award.
- Renewal letter notifications were mailed to 54,305 LPNs on March 9, and approximately 1,800 LPNs had renewed at the time of the Board meeting.
- A. Barnett asked about the new procedures for examination and endorsement applications. Lesleigh Robinson answered that individuals are made eligible while their fee is being processed, if all other requirements have been met, instead of waiting until after the fee has been processed.
- The continuing education audit began with the random selection of 2,943 RNs. These RNs were asked to submit documentation that they met the continuing education requirements for 2007-2009.
- The NCSBN Nursing Workforce Survey is linked to the online renewal process this year so LPNs who renew online can voluntarily complete the survey using a web-based collection tool.

### **Legislative Status Report**

Tom Dilling provided the legislative report and highlighted the following bills:

- House Bill 198, medical home model demonstration project, passed the House. It was amended to grant APNs the ability to run a demonstration project and to include the Board as an Ex-Officio member of the Patient Centered Medical Home Education Advisory Group.
- House Bill 215, Dental Board revisions, was voted out of the House, and includes a provision to amend parts of Chapter 119., ORC.
- House Bill 442, complementary health care services, would permit unlicensed individuals to provide complementary care and alternative services.
- House Bill 450, criminal penalties, increases the penalty for assault on nurses engaged in the practice of nursing to a fifth-degree felony.
- House Bill 457, extension of externship, would increase from one to two years the extension period that may be granted to an advanced practice nurse completing an externship for a certificate to prescribe.
- Senate Bill 200, nurse anesthetists, had two hearings and an interested party meeting was held on February 23, 2010. The bill would authorize certified registered nurse anesthetists to issue prescriptions for the administration of drugs during certain phases of patient care.

## **APPROVALS**

### **Nursing Education Program – Approval of New Programs**

#### Bohecker College Practical Nursing Education Program

**Action:** It was moved by Judith Church, seconded by Maryam Lyon, that the Board grant conditional approval in accordance with Rule 4723-5-08, OAC, to Bohecker College Practical Nursing Program. It was further moved that the program submit a progress report to the Board on or before November 30, 2010. Motion adopted by unanimous vote of the Board members.

#### Ohio Valley College of Technology School of Nursing Associate Degree in Nursing

**Action:** It was moved by Melissa Meyer, seconded by Tracy Ruegg, that the Board grant conditional approval in accordance with Rule 4723-5-08, OAC, to Ohio Valley College of Technology School of Nursing Associate Degree in Nursing Program. It was further moved that the program submit progress reports to the Board on or before July 15, 2011, and January 13, 2012. Motion adopted by unanimous vote of the Board members.

### **Nursing Education – Determination of Approval Status**

#### Chamberlain College of Nursing Baccalaureate Degree in Nursing Program

**Action:** It was moved by Judith Church, seconded by Maryam Lyon, that the Board grant full approval in accordance with Rule 4723-5-04, OAC, to Chamberlain College of Nursing Baccalaureate Degree in Nursing Program for a period of five years effective March 18, 2010. Motion adopted by unanimous vote of the Board members.

#### ATS Institute of Technology Practical Nursing Program

**Action:** It was moved by Melissa Meyer, seconded by Delphenia Gilbert, that the Board grant full approval in accordance with Rule 4723-5-04, OAC, to ATS Institute of Technology Practical Nursing Program for a period of five years effective March 18, 2010.

#### Applied Technology Systems Inc. Job Corps Center

**Action:** It was moved by Anne Barnett, seconded by Maryam Lyon, that after consideration of the survey visit report and the program's response to that report, the Board propose to deny full approval to, and withdraw conditional approval of, Applied Technology System, Inc. Job Corps Center Practical Nursing Program, effective March 18, 2010, in accordance with Rule 4723-5-04, OAC, and Section 4723.06 (A)(6), ORC, based upon the program's failure to meet and maintain standards for education programs established in Chapter 4723-5, OAC, and the Board issue a notice of opportunity for hearing in accordance with Chapter 119., ORC. Motion adopted by majority vote of the Board members with Delphenia Gilbert abstaining.

Miami-Jacobs Career College Practical Nursing Program

J. Church, Board Education Liaison, stated, that although technically, Chapter 4723-5 does not prohibit a rapid turnover in administration, in reviewing this matter, she prepared a timeline as a visual and she voiced a concern regarding the striking degree of turnover in program administrators. She also stated that she intended to be clear in stating that the turnover is not a violation, but it may be indicative of significant systemic issues with the Miami-Jacobs Practical Nursing Program.

**Action:** It was moved by Judith Church, seconded by Eric Yoon, that after consideration of the survey visit report and the program's response to that report, the Board propose to deny full approval to, and withdraw conditional approval of, Miami-Jacobs Career College Practical Nursing Program, effective March 18, 2010, in accordance with Rule 4723-5-04, OAC, and Section 4723.06 (A)(6), ORC, based upon the program's failure to meet and maintain standards for education programs established in Chapter 4723-5, OAC, and the Board issue a notice of opportunity for hearing in accordance with Chapter 119., ORC. Motion adopted by unanimous vote of the Board members.

Felbry College School of Practical Nursing

The Board received and reviewed the Board's survey report and the program's response to the survey report.

**Retroactive Approvals for Licensees and Certificate Holders**

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that the Board retroactively ratify, as submitted, the licenses and certificates initially issued by the Board of Nursing January 1, 2010 through February 28, 2010 to the following: registered nurses, licensed practical nurses, certificates of authority to certified registered nurse anesthetists, certified nurse-midwives, certified nurse practitioners, and clinical nurse specialists, all certificates to prescribe (CTP and CTP-externship), Ohio certified dialysis technicians, community health workers, and certified medication aides, taking into account those licenses and certificates subject to discipline, surrender or non-renewal. Motion adopted by unanimous vote of the Board members.

**Medication Aide Training Programs**

Lorain County Community College Medication Aide Training Program

**Action:** It was moved by Judith Church, seconded by Maryam Lyon, that the Board re-approve Lorain County Community College Medication Aide Training Program in accordance with Rule 4723-27-07, OAC, for a period of two years effective March 18, 2010. Motion adopted by unanimous vote of the Board members.

Center Ridge Nursing Home Medication Aide Training Program

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that the Board re-approve Center Ridge Nursing Home, Inc, Medication Aide Training Program in accordance with Rule 4723-27-07, OAC, for a period of two years

effective March 18, 2010. Motion adopted by unanimous vote of the Board members.

Carington Health Systems Medication Aide Training Program

**Action:** It was moved by Maryam Lyon, seconded by Judith Church, that the Board re-approve Carington Health Systems Medication Aide Training Program in accordance with Rule 4723-27-07, OAC, for a period of two years effective March 18, 2010. Motion adopted by unanimous vote of the Board members.

Cincinnati State Technical and Community College Medication Aide Training Program

**Action:** It was moved by Melissa Meyer, seconded by Delphenia Gilbert, that the Board re-approve Cincinnati State Technical and Community College Medication Aide Training Program in accordance with Rule 473-27-07, OAC, for a period of two years effective March 18, 2010. Motion adopted by unanimous vote of the Board members.

Kent State University Geauga Campus and Twinsburg Center Medication Aide Training Program

**Action:** It was moved by Judith Church, seconded by Maryam Lyon, that the Board approve Kent State University Geauga Campus and Twinsburg Center Medication Aide Training Program in accordance with Rule 4723-27-07, OAC, for a period of two years effective March 18, 2010. Motion adopted by unanimous vote of the Board members.

**Education Program Requests**

Good Samaritan College of Nursing and Health Science

**Action:** It was moved by Maryam Lyon, seconded by Johnnie Maier, that the Board approved in accordance with Rule 4723-5-16, OAC, the curriculum revision submitted by Good Samaritan College of Nursing and Health Science. Motion adopted by unanimous vote of the Board members.

American Institute of Alternative Medicine RN Program

**Action:** It was moved by Melissa Meyer, seconded by Judith Church, that in accordance with Rule 4723-5-08, OAC, the Board grant an extension of the American Institute of Alternative Medicine Registered Nursing Program implementation date to August 29, 2010. Motion adopted by unanimous vote of the Board members.

American Institute of Alternative Medicine PN Program

**Action:** It was moved by J. Jane McFee, seconded by Eric Yoon, that in accordance with Rule 4723-5-08, OAC, the Board grant an extension of the American Institute of Alternative Medicine Practical Nursing Program implementation date retroactively, from March 3, 2010 to March 8, 2010. Motion adopted by unanimous vote of the Board members.

Ohio American Healthcare, Inc., RN Program

**Action:** It was moved by Tracy Ruegg, seconded by Melissa Meyer, that in accordance with Rule 4723-5-08, OAC, the Board grant an extension of the Ohio American Healthcare, Inc., Registered Nursing Program implementation date to April 19, 2010. Motion adopted by unanimous vote of the Board members.

Ohio American Healthcare, Inc., PN Program

**Action:** It was moved by J. Jane McFee, seconded by Eric Yoon, that in accordance with Rule 4723-5-08, OAC, the Board grant an extension of the Ohio American Healthcare, Inc., Practical Nursing Program implementation date to April 19, 2010. Motion adopted by unanimous vote of the Board members.

**Executive Session**

On Thursday March 18, 2010:

**Action:** It was moved by Anne Barnett that the Board go into Executive Session to discuss pending or imminent court action with legal counsel. Following Executive Session the Board meeting was adjourned and the Board deliberated on cases pending before the Board.

**ADJUDICATION AND COMPLIANCE**

Mary Phillips, RN, and her legal representative Elizabeth Collis, Esq., addressed the Board on Thursday, March 18 at 1:00 p.m. regarding Ms. Phillips' Hearing Report and Recommendation pending before the Board. Karen Unver, Esq., AAG, responded.

E. Yoon asked if automatic suspension language for non-compliant PIIP participants could be added to the PIIP agreements. H. Fischer will review this and report back to the Board.

**Board Actions**

On Friday, March 19, 2010, Patricia Protopapa requested that each voting Board member verify that they reviewed in depth all materials by saying "yes" or "no" and that any Board member who had not reviewed the materials refrain from participating in the adjudication of any matter.

**NOTICES OF OPPORTUNITY FOR HEARING**

On Friday, March 19, 2010, the Board considered the following proposed Notices of Opportunity for Hearing that were reviewed by Board members:

**Action:** It was moved by Eric Yoon, seconded by Johnnie Maier, that the Board issue a Notice of Opportunity for Hearing for violations of Chapter 4723. ORC for the following case(s):

Whited, Wendolyn, F. R.N. 245048 (CASE #09-3313); Tharp, James, A. P.N. 116537 (CASE #09-2773); Pope, Shannon, M. R.N. 339284 (CASE #08-3935); Hambrick, Amanda, N. P.N. 126880 (CASE #09-2778); Johnson, Christine, A. P.N. 131271 (CASE #09-4391); Davies, Michelle, K. P.N. 126162 (CASE #09-

5250); Tucker, Kristyn, E. P.N. 108861 (CASE #09-1682); Williams, Susan, A. R.N. 293485 (CASE #08-3369); Wardrop, Patricia, J. R.N. 258431 (CASE #10-0231); Yanke, Gordon, C. P.N. 116001 (CASE #09-5249); Colter, Katrina, M. P.N. 130513 (CASE #10-0049); Ruza, Denise, L. R.N. 255608 (CASE #09-3753); Moore, Danielle, M. P.N. 128188 (CASE #09-5498); Connelly, Tamson, R.N. 286935 (CASE #09-4701); Baumann, Angela, M. R.N. 301445 (CASE #09-3013); Starks, Rhoda, J. R.N. 199763 (CASE #09-2993); Evans, Sherry, P.N. 081690 (CASE #09-5350); Minshall, Stephanie, R.N. 280492 (CASE #09-4547); Roberts, Lottie, P.N. 067053 (CASE #09-3710); Vandervort, Mary, B. R.N. 286620 (CASE #09-3254); Walsh, Meadow, D. P.N. 120199 (CASE #08-0146); Saunders, Christina, A. R.N. 297757 (CASE #09-5316); Clark, Angie, L. R.N. 303902 (CASE #07-3688); Martin, Shaina, R. P.N. NCLEX (CASE #10-0297); Martino, Marianne, F. R.N. 079489 (CASE #10-0378); McGee, Aishia, M. P.N. 127122 (CASE #10-0315); Scott, Raquel, L. P.N. 112466 (CASE #09-4741); Petrocelli, Jaqueline, M. R.N. 196391 (CASE #09-6196); Mirgon, Jessica, P.N. 105474 (CASE #10-0025); Moore, Kristina, L. P.N. 093299 (CASE #09-3836); McSheffery, Cheri, L. R.N. 228806 (CASE #10-0309); Lawson, Joe Ann, R.N. 153003 (CASE #08-3947); Liss, Dana, J. R.N. 263550 (CASE #08-1240); McMannis, Tanaya, M. P.N. 110082 (CASE #09-0879); Erwin, Robert, A. R.N. 251419 (CASE #09-1616); Hatzer, Sean, S. P.N. 124765 (CASE #09-3053); Johnson, Joseph, J. P.N. 073120 (CASE #09-2479); Beetler, Allison, M. R.N. 266166 (CASE #09-3608); Blevins, Deborah, L. R.N. 198222 (CASE #07-3350); Davies-Fyne, Gerald, P.N. 118572 (CASE #09-5404); Gomoll, Melissa, D. R.N. 327965 (CASE #09-5690); Bates, Zipporah, K. R.N. 346466 (CASE #09-2730); Becker, Susan, E. R.N. 345257 (CASE #09-3995); Nastal, Miranda, S. P.N. 119364 (CASE #10-0102); Rayford, Alisa, K. R.N. 328191 (CASE #08-1673); Braun, Christine, E. R.N. 178377 (CASE #09-2528); Weir (Van Dyke), Heather, P.N. 121984 (CASE #07-1980); Guitard, Kathie, S. P.N. 123879 (CASE #08-2694); Martin, Natalie, R. P.N. 129305 (CASE #09-3370); Johnson, III, Eugene, D. P.N. 120620 (CASE #09-2492); Applied Technology Systems, Inc., Job Corps Center PN Program, (CASE #10-0002); Miami-Jacobs Career College LPN Program, (CASE #10-0719); Cohee, Bobby, G. P.N. 083868 (CASE #10-0725); Norris, Matthew, J. R.N. 259498 (CASE #09-4469); and Schultz, Jennifer, K. R.N. 315963 (CASE #09-4718).

Motion adopted by majority vote of the Board members with Anne Barnett, Delphenia Gilbert, and J. Jane McFee abstaining on all cases. Maryam Lyon, Tracy Ruegg, and Roberta Stokes abstained from voting on the following cases only: Whited, Wendolyn, F. R.N. 245048 (CASE #09-3313); Tharp, James, A. P.N. 116537 (CASE #09-2773); Pope, Shannon, M. R.N. 339284 (CASE #08-3935); Hambrick, Amanda, N. P.N. 126880 (CASE #09-2778); Johnson, Christine, A. P.N. 131271 (CASE #09-4391); Davies, Michelle, K. P.N. 126162 (CASE #09-5250); Tucker, Kristyn, E. P.N. 108861 (CASE #09-1682); Williams, Susan, A. R.N. 293485 (CASE #08-3369); Wardrop, Patricia, J. R.N. 258431 (CASE #10-0231); Yanke, Gordon, C. P.N. 116001 (CASE #09-5249); Colter, Katrina, M. P.N. 130513 (CASE #10-0049); Ruza, Denise, L. R.N. 255608 (CASE #09-3753); Moore, Danielle, M. P.N. 128188 (CASE #09-5498);

Connelly, Tamson, R.N. 286935 (CASE #09-4701); and Baumann, Angela, M. R.N. 301445 (CASE #09-3013).

Complete copies of the Notices of Opportunity for Hearing shall be maintained in the exhibit book for the March 2010 Board meeting.

**WITHDRAWAL OF NOTICE OF OPPORTUNITY FOR HEARING & ACCEPTANCE OF THE VOLUNTARY AGREEMENT FOR ADDITIONAL EDUCATION**

**Action:** It was moved by Melissa Meyer, seconded by Delphenia Gilbert, that the Board withdraw the Notice of Opportunity for Hearing that was issued by the Board on July 18, 2008 for Denton, Denise, R. D.T. 00495 (CASE #07-0185) and to accept the Voluntary Agreement to Obtain Additional Continuing Education. Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

**IMMEDIATE SUSPENSIONS AND NOTICE FOR OPPORTUNITY**

**Action:** It was moved by Maryam Lyon, seconded by Judith Church, that the Board issue a Notice of Immediate Suspension and Opportunity for Hearing for violations of Chapter 4723. ORC for the following case(s):

Blazeff, Susan, D. P.N. 101772 (CASE #09-4089); Coulter, Melissa, R.N. 312454 (CASE #09-3655); Higgins, Daniel, R.N. 341356 (CASE #10-0226); Van Maele, Robert, A. P.N. 099923 (CASE #09-2782); Price, Stacie, L. P.N. 117351 (CASE #09-5905); Pedulla, Beth, M. P.N. 123708 (CASE #09-3980); Rose, Jeannette, A. P.N. 104208 (CASE #09-3365); Fox, Karen, S. R.N. 143454 (CASE #08-2159); Stokes, Jodi, A. R.N. 265023 (CASE #09-3796); Santos, Annette, P.N. 121270 (CASE #09-3233); and Bartow, Jacqueline, A. P.N. 127888 (CASE #09-3001).

Motion adopted by majority vote of the Board members with Anne Barnett and J. Jane McFee abstaining.

Complete copies of the Immediate Suspensions and Notices of Opportunity for Hearing shall be maintained in the exhibit book for the March 2010 Board meeting.

**AUTOMATIC SUSPENSIONS AND NOTICE FOR OPPORTUNITY**

**Action:** It was moved by Melissa Meyer, seconded by Judith Church, that the Board issue a Notice of Automatic Suspension and Opportunity for Hearing for violations of Chapter 4723. ORC for the following case(s):

Plants, Glen, R. R.N. 265703 (CASE #09-3430); Speer, Diane, P. P.N. 097466 (CASE #10-0059); Smith, Ashly, N. P.N. 123403 (CASE #09-3266); McCray, James, R.N. 235301, COA 08302 (CASE #09-6281); Hirschfeld, Barbara, J.

R.N. 223847 (CASE #10-0131); Mammone, Kandy, L. P.N. 099068 (CASE #09-6276); Moore, Darryl, S. P.N. 103082 (CASE #10-0130); Cisco, Ann, M. R.N. 224789 (CASE #08-1836); Kidd, Robert, J. R.N. 284386 (CASE #10-0385); Hresko, Joy, A. R.N. 216919 (CASE #09-6283); Stacy, Dawn, E MAC 00088 (CASE #10-0005); Sorgen, Tarah, J. P.N. 114338 (CASE #10-0133); Ellis, Terrell, P.N. 124123 (CASE #09-6254); and Fountain, Robin, M. P.N. 134764 (CASE #10-0444).

Motion adopted by majority vote of the Board members with Anne Barnett and J. Jane McFee abstaining.

Complete copies of the Automatic Suspensions and Notices of Opportunity for Hearing shall be maintained in the exhibit book for the March 2010 Board meeting.

#### **TEMPORARY SUSPENSIONS AND NOTICE OF OPPORTUNITY**

**Action:** It was moved by Maryam Lyon, seconded by Delphenia Gilbert, that the Board issue a Notice of Temporary Suspension and Opportunity for Hearing for violations of Chapter 4723. ORC for the following:

Ballish, Susan, M. R.N. 266157 (CASE #10-0134); Peters, Mary, S. R.N. 203118 (CASE #09-3787); Dasilva (Fitzmaurice), Morgan, E. R.N. 310417 (CASE #10-0567); Tackett, Laurie, N. R.N. 313023 (CASE #10-0568); Simpson, Jessica, M. R.N. 305029 (CASE #09-2545); and Robinson, Amber, D. P.N. 115347 (CASE #10-0900).

Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

A complete copy of the Temporary Suspension and Notices of Opportunity for Hearing shall be maintained in the exhibit book for the March 2010 Board meeting.

#### **SURRENDERS**

##### **Permanent Voluntary Surrender**

**Action:** It was moved by Tracy Ruegg, seconded by Maryam Lyon, that the Board accept the Permanent Voluntary Surrender of License for the following case(s):

Yingling, Kristian, D. R.N. 322765 (CASE #08-3741); Stinchcomb, Kevin, A. R.N. 325333 (CASE #08-3809); Gerald, Tina, M. P.N. 102758 (CASE #08-3116); Davidson, Marilyn, D. R.N. 150200 (CASE #08-1596); Booth-Lance, Susan, R.N. 161122 (CASE #09-2566); and Negele, Holly, L. R.N. 308392 (CASE #09-5858).

Motion adopted by majority vote of the Board members with Anne Barnett and

J. Jane McFee abstaining.

Complete copies of the Permanent Voluntary Surrenders shall be maintained in the exhibit book for the March 2010 Board meeting.

### **Voluntary Non-Permanent Withdrawal of Endorsement Application**

**Action:** It was moved by Roberts Stokes, seconded by Eric Yoon, that the Board accept the Voluntary Non-Permanent Withdrawal of Application for Licensure by Endorsement for the following:

Wolfe, Erin, C. R.N. endorse (CASE #08-0249); Smith, Suzanne, M. R.N. endorse (CASE #09-6899); and Whitley, Jennifer, A. R.N. endorse (CASE #09-6160).

Motion adopted by majority vote of the board members with Anne Barnett and J. Jane McFee abstaining.

Complete copies of the Voluntary Non-Permanent Withdrawal of Application for Licensure by Endorsement shall be maintained in the exhibit book for the March 2010 Board meeting.

### **CONSENT AGREEMENTS**

On Friday, March 19, 2010, the Board considered the terms of the following proposed consent agreements that were reviewed by Board members:

**Action:** It was moved by J. Jane McFee, seconded by Judith Church, that the Board approve the consent agreements for violations of Chapter 4723. ORC entered into by and between the Board in the following cases:

Carlson, David, P. R.N. NCLEX, P.N. 132953 (CASE #09-5985); Collins, Marceia, N. P.N. 129656 (CASE #08-2013); Tita, Marcy, L. R.N. 346444 (CASE #10-0070); Phillips, Deborah, G. P.N. 093648 (CASE #07-0940); Drotleff, Amanda, B. R.N. 266700 (CASE #09-3901); Shelton, Shari, L. R.N. 221020 (CASE #09-2962); Carlson, Bryan, K. R.N. 327277 (CASE #09-2644); Rinkus, Sharon, L. R.N. 215911 (CASE #09-4834); Watts, Branden, C P.N. 122877 (CASE #07-4077); Adamovich, Antoni, R R.N. NCLEX (CASE #09-1655); Holman, Tonesia, T. P.N. NCLEX (CASE #09-5045); McNemar, Denise, M. P.N. 128990 (CASE #10-0392); Littleton, Thomas, A. R.N. NCLEX (CASE #09-5950); Fischer, Rachel, C. R.N. NCLEX (CASE #09-5576); Holter, Jennifer, L. R.N. 330365 (CASE #09-6292); Fox, Julie, L. R.N. 342795 (CASE #09-2542); Keyes, Colleen, E. R.N. 301722 (CASE #09-3236); Withrow, Megan, N. P.N. NCLEX (CASE #09-5572); LaPoint, Debra, D. P.N. 092196 (CASE #09-3093); Pease, Shelley, L. R.N. 279608 (CASE #10-0058); McGroder, Danielle, P.N. 108018 (CASE #09-0799); Price, Melissa, R.N. 196509 (CASE #10-0060); Myers, Kelli, D. R.N. 310148 (CASE #08-0695); Thomson, Linda, J. P.N. 075983 (CASE #08-2299); Wulf, Elizabeth, A. R.N. endorse (CASE #09-6186); Pack, Terry, K. R.N. 265253 (CASE #09-2417); Brown, Divon, P.N. NCLEX

(CASE #09-2901); Small, Tedriene, L. R.N. 290970 (CASE #08-2938); Matos, Georgia, A. R.N. 296947 (CASE #09-3786); Noel, Lorie, A. P.N. 104254 (CASE #09-4880); Lewis, Susan, E. R.N. 247410 (CASE #09-3707); Taflinger, Nicholas, G. P.N. NCLEX (CASE #09-3950); Bailey, Lisa, M. R.N. 284110 (CASE #09-4372); Scott, Stacey, L. P.N. NCLEX (CASE #09-5342); Hill-Baldwin, Veronda, E. P.N. NCLEX (CASE #09-5678); Burns, Erin, C. P.N. NCLEX (CASE #09-5571); Wright, Julie, A. P.N. 115799 (CASE #07-2944); Thomas, Debra, A. R.N. 308195 (CASE #09-4429); Terry, Lesleigh, M. TC 1 applicant (CASE #09-5341); Hirt, Nicole, R.N. 286598 (CASE #08-2388); Brent, Robert, M. R.N. 139369 (CASE #08-2814); Cowdrey, Julie, M. P.N. 106337 (CASE #10-0154); Cekanski, Sarah, D. R.N. 333855 (CASE #08-3182); Boyson, Diane, E. R.N. 276424 (CASE #09-1799); Bolling, Beverly, A. R.N. 231628 (CASE #10-0016); Bell, Rochelle, M. R.N. 211923 (CASE #08-1798); Barlage, Cindy, L. R.N. 231325, COA 10234 (CASE #09-3031); Baldrige, Erin, E. P.N. 105110 (CASE #08-0995); Asbury, Marcy, L. P.N. 092294 (CASE #09-2358); Hays, Vera, A. R.N. 190566 (CASE #09-0687); Hartley, Frank, D. R.N. 151524, COA 07098 (CASE #08-0417); Gilbert, Deborah, S. P.N. 102993 (CASE #09-6282); Gast, Gregory, J. R.N. 208593, COA 09399 (CASE #09-0424); Fraley, Anne, R.N. 279835 (CASE #09-1624); Eberhardt, Kimberly, S. R.N. 263640 (CASE #10-0136); Durfee, Janet, R.N. endorse (CASE #09-6527); Nicoloff, Amy, M. R.N. 268155 (CASE #08-1037); Monnin, Lauren, N. TC 1 applicant (CASE #10-0295); Masselli, Vivian, L. R.N. 265502 (CASE #09-0421); Kilmer, Alisha, J. P.N. endorse (CASE #10-0410); Jones, Jason, R. R.N. 286771 (CASE #09-3657); Isaly, Margaret, A. P.N. 101015 (CASE #08-3861); Hill, Deborah, L. R.N. 290860 (CASE #08-0327); Henry, Erin, R.N. 295496 (CASE #09-0700); Zuchegno, Lesli, A. R.N. 259467 (CASE #09-4881); Young, Latorian, S. R.N. NCLEX, P.N. 118036 (CASE #10-0649); Wilmoth, Catherine, S. R.N. 306288 (CASE #10-0057); Schwartz, Steven, E. R.N. 139415 (CASE #09-0076); Rosemeyer, Annette, M. R.N. 304199 (CASE #08-1066); Powderly, Timothy, M. D.T. applicant (CASE #09-7148); Gregory, Vickie, L. R.N. 218521, P.N. 074091 (CASE #08-1842); Creech, Marilyn, R.N. 193936 (CASE #10-0056); Wardlaw, Kendra, A. R.N. 325429 (CASE #10-0643); Sullivan, Jerome, M. R.N. 216849 (CASE #08-3853); Kerns, Marcie, L. R.N. 255278 (CASE #09-0945); and Longo, Anna, M. R.N. 306499 (CASE #10-0776).

Anne Barnett abstained from voting on all cases. Judith Church abstained from voting on Bailey, Lisa, M. R.N. 284110 (CASE #09-4372) only. J. Jane McFee abstained from voting on the following cases only: Baldrige, Erin, E. P.N. 105110 (CASE #08-0995); Asbury, Marcy, L. P.N. 092294 (CASE #09-2358); Hays, Vera, A. R.N. 190566 (CASE #09-0687); Hartley, Frank, D. R.N. 151524, COA 07098 (CASE #08-0417); Gilbert, Deborah, S. P.N. 102993 (CASE #09-6282); Gast, Gregory, J. R.N. 208593, COA 09399 (CASE #09-0424); Fraley, Anne, R.N. 279835 (CASE #09-1624); Eberhardt, Kimberly, S. R.N. 263640 (CASE #10-0136); Durfee, Janet, R.N. endorse (CASE #09-6527); Nicoloff, Amy, M. R.N. 268155 (CASE #08-1037); Monnin, Lauren, N. TC 1 applicant (CASE #10-0295); Masselli, Vivian, L. R.N. 265502 (CASE #09-0421); Kilmer, Alisha, J. P.N. endorse (CASE #10-0410); Jones, Jason, R. R.N. 286771

(CASE #09-3657); Isaly, Margaret, A. P.N. 101015 (CASE #08-3861); Hill, Deborah, L. R.N. 290860 (CASE #08-0327); Henry, Erin, R.N. 295496 (CASE #09-0700); and Zuchegno, Lesli, A. R.N. 259467 (CASE #09-4881). Maryam Lyon, Tracy Ruegg, and Roberta Stokes abstained from voting on the following cases only: Carlson, David, P. R.N. NCLEX, P.N. 132953 (CASE #09-5985); Collins, Marceia, N. P.N. 129656 (CASE #08-2013); Tita, Marcy, L. R.N. 346444 (CASE #10-0070); Phillips, Deborah, G. P.N. 093648 (CASE #07-0940); Drotleff, Amanda, B. R.N. 266700 (CASE #09-3901); Shelton, Shari, L. R.N. 221020 (CASE #09-2962); Carlson, Bryan, K. R.N. 327277 (CASE #09-2644); Rinkus, Sharon, L. R.N. 215911 (CASE #09-4834); Watts, Branden, C. P.N. 122877 (CASE #07-4077); Adamrovich, Antoni, R. R.N. NCLEX (CASE #09-1655); Holman, Tonesia, T. P.N. NCLEX (CASE #09-5045); McNemar, Denise, M. P.N. 128990 (CASE #10-0392); Littleton, Thomas, A. R.N. NCLEX (CASE #09-5950); Fischer, Rachel, C. R.N. NCLEX (CASE #09-5576); Holter, Jennifer, L. R.N. 330365 (CASE #09-6292); Fox, Julie, L. R.N. 342795 (CASE #09-2542); and Keyes, Colleen, E. R.N. 301722 (CASE #09-3236). Judith Church voted no on Terry, Lesleigh, M. D.T. applicant (CASE #09-5341) only. Maryam Lyon voted no on the following cases only: McGroder, Danielle, P.N. 108018 (CASE #09-0799); and Thomas, Debra, A. R.N. 308195 (CASE #09-4429). Johnnie Maier voted no on the following cases only: McGroder, Danielle, P.N. 108018 (CASE #09-0799); Hill-Baldwin, Veronda, E. P.N. NCLEX (CASE #09-5678); Thomas, Debra, A. R.N. 308195 (CASE #09-4429); Terry, Lesleigh, M. D.T. applicant (CASE #09-5341); and Cowdrey, Julie, M. P.N. 106337 (CASE #10-0154). J. Jane McFee voted no on the following cases only: McGroder, Danielle, P.N. 108018 (CASE #09-0799); and Barlage, Cindy, L. R.N. 231325, COA 10234 (CASE #09-3031). Tracy Ruegg voted no on Barlage, Cindy, L. R.N. 231325, COA 10234 (CASE #09-3031) only. Eric Yoon voted no on the following cases only: McGroder, Danielle, P.N. 108018 (CASE #09-0799); Small, Tedriene, L. R.N. 290970 (CASE #08-2938); Bailey, Lisa, M. R.N. 284110 (CASE #09-4372); Thomas, Debra, A. R.N. 308195 (CASE #09-4429); Barlage, Cindy, L. R.N. 231325, COA 10234 (CASE #09-3031); and Hartley, Frank, D. R.N. 151524, COA 07098 (CASE #08-0417).

Motion adopted by majority vote of the Board members.

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that the Board approve the consent agreements for violations of Chapter 4723. ORC entered into by and between the Board for Felbry College School of Practical Nursing, (CASE #10-0718).

Eric Yoon opposed the motion. Motion adopted by majority vote of the Board members.

**Action:** It was moved by Melissa Meyer, seconded by Judith Church, that the Board approve the consent agreements for violations of Chapter 4723. ORC entered into by and between the Board ORC for Lanz, Barbara, J. R.N. 175420, COA 08183 (CASE #08-1781).

Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

Complete copies of the Consent Agreements shall be maintained in the exhibit book for the March 2010 Board meeting.

### **DEFAULT ORDER**

Butcher, Carolyn, L. R.N. 319808 (CASE #09-2494)

**Action:** It was moved Judith Church, seconded by Maryam Lyon, that in the matter of Carolyn Butcher, the Board Find that **Ms. Butcher** has failed to submit to an examination and the Board has not received information that the failure to submit to an examination was due to circumstances beyond her control.

In accordance with Section 4723.28(G), ORC, the failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control and a default and final order may be entered without the taking of testimony or presentation of evidence. The Board finds that **MS. BUTCHER** has failed to submit to an examination when directed, and that the failure was not due to circumstances beyond her control. Section 4723.28(B)(16), ORC, provides that the Board can suspend or place restrictions on a license for violation of Chapter 4723 or any rules adopted under that chapter.

In accordance with Section 4723.28(B)(16) and Section 4723.28(G), ORC, the Ohio Board of Nursing finds that that **MS. BUTCHER** has admitted the truth of the allegations set forth in the October 23, 2009 Examination Order issued to **MS. BUTCHER** and that **MS. BUTCHER** is impaired. The Board ORDERS that **MS. BUTCHER's** license to practice nursing as a registered nurse in the State of Ohio is hereby suspended for an indefinite period of time with conditions for reinstatement set forth below:

### **CONDITIONS FOR REINSTATEMENT**

1. **MS. BUTCHER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. BUTCHER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **MS. BUTCHER** shall, at her own expense, obtain a mental examination, specifically addressing her ability to safely function in a clinical nursing capacity, and including a review of her neuropsychological condition, by the University of Cincinnati Physicians, Inc., Forensic Psychiatry, 260 Stetson Street, Suite 3200, Cincinnati, Ohio 45219, (Examiner) and shall

- provide the Board with complete documentation of the evaluation. Prior to the evaluation, **MS. BUTCHER** shall provide the Examiner with a copy of this Order and the October 23, 2009 Examination Order (including all attachments), and shall execute releases to permit the Examiner to obtain any information deemed appropriate and necessary for the evaluation. The Examiner shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, and any restrictions that should be placed on **MS. BUTCHER's** practice. The Examiner shall provide an opinion to the Board regarding whether **MS. BUTCHER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
- 4. MS. BUTCHER** shall enter into a Consent Agreement with the Board for probationary terms, conditions, limitations, and restrictions determined by the Board for a minimum period of time determined by the Board. The probationary terms, conditions, limitations, and restrictions determined by the Board shall include, but not be limited to, completion or continuation of psychiatric or other mental health treatment recommended and/or restrictions specified by the Examiner, as set forth in paragraph 3., above. If the Board and **MS. BUTCHER** are unable to agree to terms, conditions, limitations, and restrictions in a Consent Agreement, the terms, conditions, limitations, and restrictions shall be determined after a hearing is held.

#### **Reporting Requirements of MS. BUTCHER**

- 5. MS. BUTCHER** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
- 6. MS. BUTCHER** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
- 7. MS. BUTCHER** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
- 8. MS. BUTCHER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Monitoring Unit of the Board.
- 9. MS. BUTCHER** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
- 10. MS. BUTCHER** shall verify that the reports and documentation required by this Order are received in the Board office.

11. **MS. BUTCHER** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.

In accordance with Chapter 119, ORC, **MS. BUTCHER** is hereby informed that **MS. BUTCHER** is entitled to a hearing on this matter. If **MS. BUTCHER** wishes to request such hearing, the request must be made in writing and must be received in the Board office within thirty (30) days of the time of mailing of this notice.

**MS. BUTCHER** is hereby further informed that, if **MS. BUTCHER** timely requests a hearing, **MS. BUTCHER** is entitled to appear at such hearing in person, by **MS. BUTCHER's** attorney, or by such other representative as is permitted to practice before the Board, or **MS. BUTCHER** may present her position, arguments, or contentions in writing. At the hearing **MS. BUTCHER** may also present evidence and examine witnesses appearing for and against **MS. BUTCHER**.

Should **MS. BUTCHER** choose to request a hearing, please mail or deliver the request, in addition to any other correspondence regarding this matter, to **Lisa Ferguson-Ramos, Compliance Unit Manager, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410, or to the email address, hearing@hursing.ohio.gov.**

The Board further Orders **CAROLYN L. BUTCHER** to surrender her registered nurse license, R.N. #319808, immediately.

This Order shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19<sup>th</sup> day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett and J. Jane McFee abstaining.

#### **HEARING EXAMINER REPORT AND RECOMMENDATION**

Phillips, Mary, L. R.N. 190876 (CASE #09-4053)

**Action:** It was moved by Eric Yoon, seconded by Johnnie Maier, that in the matter of **Mary Phillips**, the Board accept all of the Findings of Fact, Conclusions of Law, and modified the Recommendation in the Hearing Examiner's Report and Recommendation and ORDERED that **MARY L. PHILLIPS's** license to practice nursing as a registered nurse in the State of Ohio is hereby suspended for an indefinite period of time but not less than two (2) years, retroactive to May 2009, with the conditions for reinstatement set forth below, and that following reinstatement, **MS. PHILLIPS** shall be subject to probationary terms, conditions, and limitations for a minimum period of two (2) years and the Permanent Practice Restrictions set forth below.

The rationale for the modification is that **MS. PHILLIPS** has been licensed for twenty-five (25) years with no prior disciplinary action and that **MS. PHILLIPS** expressed remorse and was cooperative with the Board's investigation.

#### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. PHILLIPS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. PHILLIPS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Prior to requesting reinstatement by the Board, MS. PHILLIPS** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: four (4) hours of Ethics.

#### **Monitoring**

4. **Prior to requesting reinstatement by the Board, MS. PHILLIPS** shall, at her own expense, obtain a psychiatric evaluation from a Board approved psychiatrist and shall provide the Board with complete documentation of such evaluation. Prior to the evaluation, **MS. PHILLIPS** shall provide the psychiatrist with a copy of this Order, the Notice of Immediate Suspension and Opportunity for Hearing, and the Notice of Opportunity for Hearing. Prior to the evaluation, **MS. PHILLIPS** shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. PHILLIPS's** license, and a statement as to whether **MS. PHILLIPS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
5. **MS. PHILLIPS** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. PHILLIPS's** license.

#### **Reporting Requirements of MS. PHILLIPS**

6. **MS. PHILLIPS** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.

7. **MS. PHILLIPS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
8. **MS. PHILLIPS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
9. **MS. PHILLIPS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
10. **MS. PHILLIPS** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
11. **MS. PHILLIPS** shall verify that the reports and documentation required by this Order are received in the Board office.
12. **MS. PHILLIPS** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
13. **MS. PHILLIPS** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. PHILLIPS** submits a written request for reinstatement; (2) the Board determines that **MS. PHILLIPS** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. PHILLIPS** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. PHILLIPS** and review of the documentation specified in this Order.

**Following reinstatement, MS. PHILLIPS shall be subject to the following probationary terms, conditions, and limitations for a minimum period of two (2) years.**

1. **MS. PHILLIPS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. PHILLIPS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Employment Conditions**

3. Prior to accepting employment as a nurse, each time with every employer,

**MS. PHILLIPS** shall notify the Board.

4. **MS. PHILLIPS** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. PHILLIPS** shall provide her employer(s) with a copy of this Order, the Notice of Immediate Suspension and Opportunity for Hearing, and the Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order, the Notice of Immediate Suspension and Opportunity for Hearing, and the Notice of Opportunity for Hearing, including the date they were received. Further, **MS. PHILLIPS** is under a continuing duty to provide a copy of this Order, the Notice of Immediate Suspension and Opportunity for Hearing, and the Notice of Opportunity for Hearing to any new employer prior to accepting employment.

#### **Reporting Requirements of MS. PHILLIPS**

5. **MS. PHILLIPS** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
6. **MS. PHILLIPS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
7. **MS. PHILLIPS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
8. **MS. PHILLIPS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
9. **MS. PHILLIPS** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
10. **MS. PHILLIPS** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MS. PHILLIPS** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
12. Prior to working as a nurse, if requested by the Board or its designee, **MS.**

**PHILLIPS** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

### **Permanent Practice Restrictions**

**MS. PHILLIPS** shall not practice nursing as a registered nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. PHILLIPS** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. PHILLIPS** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

**MS. PHILLIPS** shall not call in or order prescriptions or prescription refills.

### **FAILURE TO COMPLY**

**The stay of MS. PHILLIPS's suspension shall be lifted and MS. PHILLIPS's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. PHILLIPS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. PHILLIPS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. PHILLIPS** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. PHILLIPS** has complied with all aspects of this Order; and (2) the Board determines that **MS. PHILLIPS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. PHILLIPS** and review of the reports as required herein. Any period during which **MS. PHILLIPS** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing

indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg and Roberta Stokes abstaining.

### **NO REQUEST FOR HEARING**

Morris, Valarie, S. R.N. 247383 (CASE #09-2537)

**Action:** It was moved by Delphenia Gilbert, seconded by Melissa Meyer, that upon consideration of the charges stated against **VALARIE SUE MORRIS** in the November 20, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. MORRIS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. MORRIS's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time.

### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. MORRIS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MORRIS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MS. MORRIS** shall successfully complete the terms, conditions, and limitations imposed on **MS. MORRIS's** nursing license by the Order of the Florida Department of Health (Florida Board). Prior to seeking reinstatement by the Board, **MS. MORRIS** shall submit satisfactory documentation from the Florida Board that **MS. MORRIS** has successfully completed all terms, conditions, and limitations imposed on **MS. MORRIS's** Florida nursing license.

### **Reporting Requirements of MS. MORRIS**

4. **MS. MORRIS** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
5. **MS. MORRIS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
6. **MS. MORRIS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.

7. **MS. MORRIS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
8. **MS. MORRIS** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
9. **MS. MORRIS** shall verify that the reports and documentation required by this Order are received in the Board office.
10. **MS. MORRIS** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
11. **MS. MORRIS** shall submit to a BCI criminal records check.
12. Prior to working as a nurse, if requested by the Board or its designee, **MS. MORRIS** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. MORRIS** submits a written request for reinstatement; (2) the Board determines that **MS. MORRIS** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. MORRIS** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. MORRIS** and review of the documentation specified in this Order. The Board further Orders **VALARIE SUE MORRIS** to surrender her registered nurse license, R.N. #247383, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Showell, Stephanie, A. R.N. 303364 (CASE #09-2489)

**Action:** It was moved by Melisa Meyer, seconded by Delphenia Gilbert, that upon consideration of the charges stated against **STEPHANIE ANNE SHOWELL** in the November 20, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. SHOWELL** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. SHOWELL's** license to practice nursing as a registered

nurse is hereby suspended for an indefinite period of time, but not less than three (3) years, with the conditions for reinstatement set forth below, and that following reinstatement, **MS. SHOWELL** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Permanent Narcotic** and **Permanent Practice Restrictions** set forth below.

#### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. SHOWELL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SHOWELL** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MS. SHOWELL** shall successfully comply with all conditions imposed in Hamilton County Court of Common Pleas Case Number B 0904178 and shall submit satisfactory documentation of completion.
4. Prior to seeking reinstatement by the Board, **MS. SHOWELL** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance, Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

#### **Monitoring**

5. **MS. SHOWELL** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SHOWELL's** history. **MS. SHOWELL** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. SHOWELL** shall abstain completely from the use of alcohol.
7. Prior to seeking reinstatement by the Board, **MS. SHOWELL** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. SHOWELL** shall provide the chemical dependency professional with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. SHOWELL** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional

restrictions that should be placed on **MS. SHOWELL's** license, and a statement as to whether **MS. SHOWELL** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

8. **MS. SHOWELL** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. SHOWELL's** license.
9. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. SHOWELL** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MS. SHOWELL's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. SHOWELL** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SHOWELL's** history.
10. Within thirty (30) days prior to **MS. SHOWELL** initiating drug screening, **MS. SHOWELL** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. SHOWELL**.
11. After initiating drug screening, **MS. SHOWELL** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MS. SHOWELL** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
12. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. SHOWELL** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. SHOWELL** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. SHOWELL**

13. **MS. SHOWELL** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
14. **MS. SHOWELL** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
15. **MS. SHOWELL** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
16. **MS. SHOWELL** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
17. **MS. SHOWELL** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. SHOWELL** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. SHOWELL** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
20. **MS. SHOWELL** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. SHOWELL** submits a written request for reinstatement; (2) the Board determines that **MS. SHOWELL** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. SHOWELL** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. SHOWELL** and review of the documentation specified in this Order.

**Following reinstatement, MS. SHOWELL shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

1. **MS. SHOWELL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.

2. **MS. SHOWELL** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Monitoring**

3. **MS. SHOWELL** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SHOWELL's** history. **MS. SHOWELL** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. SHOWELL** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. SHOWELL** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. SHOWELL** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SHOWELL's** history.
6. **MS. SHOWELL** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. SHOWELL** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. SHOWELL** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MS. SHOWELL** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. SHOWELL** shall cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. SHOWELL** throughout the duration of this Order.

9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. SHOWELL** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. SHOWELL** shall notify the Board.
11. **MS. SHOWELL** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. SHOWELL** shall provide her employer(s) with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. SHOWELL** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. SHOWELL**

12. **MS. SHOWELL** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. SHOWELL** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. SHOWELL** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. SHOWELL** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. SHOWELL** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. SHOWELL** shall verify that the reports and documentation required by this Order are received in the Board office.

18. **MS. SHOWELL** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.

19. Prior to working as a nurse, **MS. SHOWELL** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

**Permanent Narcotic Restriction**

**The following Permanent Narcotic Restriction is in effect unless otherwise modified by the Board:**

**MS. SHOWELL** shall not administer, have access to, or possess (except as prescribed for **MS. SHOWELL's** use by another so authorized by law who has full knowledge of **MS. SHOWELL's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MS. SHOWELL** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. SHOWELL** shall not call in or order prescriptions or prescription refills.

**Permanent Practice Restrictions**

**MS. SHOWELL** shall not function in a nursing position, which would require **MS. SHOWELL** to provide direct, hands-on patient care to pediatric or elderly patients. *For the purposes of this Order, pediatric patients shall include patients under the age of 18, and between the ages of newly born through age 17. For the purposes of this Order, elderly patients shall include adults 65 years of age and older.*

**The following Permanent Practice Restrictions are in effect unless otherwise modified by the Board:**

**MS. SHOWELL** shall not practice nursing as a registered nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. SHOWELL** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. SHOWELL** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

### **FAILURE TO COMPLY**

The stay of **MS. SHOWELL's** suspension shall be lifted and **MS. SHOWELL's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. SHOWELL** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SHOWELL** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SHOWELL** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. SHOWELL** has complied with all aspects of this Order; and (2) the Board determines that **MS. SHOWELL** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. SHOWELL** and review of the reports as required herein. Any period during which **MS. SHOWELL** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

McGinnis, Susan, E. R.N. 178471 (CASE #09-3893)

**Action:** It was moved by Johnnie Maier, seconded by Eric Yoon, that upon consideration of the charges stated against **SUSAN E. MCGINNIS** in the November 20, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. MCGINNIS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing and the Ohio Board of Nursing ORDERS that **MS. MCGINNIS's** license to practice nursing as a registered nurse is hereby suspended and that the suspension is stayed subject to the probationary terms, conditions, and limitations for a minimum period of one (1) year, set forth below.

**MS. MCGINNIS shall be subject to the following probationary terms, conditions, and limitations:**

1. **MS. MCGINNIS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.

2. **MS. MCGINNIS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Within six (6) months of the effective date of this Order, MS. MCGINNIS** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance, Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

### **Monitoring**

4. Upon the request of the Board or its designee, and within three (3) months of that request, **MS. MCGINNIS** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. MCGINNIS** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. MCGINNIS** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. MCGINNIS's** license, and a statement as to whether **MS. MCGINNIS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care
5. If a chemical dependency evaluation is requested, **MS. MCGINNIS** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. MCGINNIS** license.
6. **MS. MCGINNIS** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. MCGINNIS's** history. **MS. MCGINNIS** shall self-administer prescribed drugs only in the manner prescribed.
7. **MS. MCGINNIS** shall abstain completely from the use of alcohol.
8. Within forty-five (45) days of the effective date of this Order, during the probationary period, **MS. MCGINNIS** shall begin submitting, at her expense and on the day selected, blood or urine specimens for drug

and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. MCGINNIS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. MCGINNIS's** history.

9. **MS. MCGINNIS** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. MCGINNIS** shall provide satisfactory documentation of such attendance to the Board every six (6) months, beginning forty-five (45) days after the effective date of this Order.

### **Treating Practitioners and Reporting**

10. Prior to initiating screens, **MS. MCGINNIS** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MS. MCGINNIS** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
11. **MS. MCGINNIS** shall cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. MCGINNIS** throughout the duration of this Order.
12. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. MCGINNIS** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

13. **MS. MCGINNIS** shall notify the Board, in writing, of the name and address of any current employer **within fifteen (15) days of the effective date of this Order**, or any new employer prior to accepting employment.
14. **MS. MCGINNIS**, **within fifteen (15) days of the effective date of this Order**, if working in a position in which a nursing license is required, shall provide her employer(s) with a copy of this Order and the Notice of Opportunity for Hearing. **MS. MCGINNIS** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. MCGINNIS**

shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. MCGINNIS** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. MCGINNIS**

15. **MS. MCGINNIS** shall sign release of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
16. **MS. MCGINNIS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
17. **MS. MCGINNIS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
18. **MS. MCGINNIS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
19. **MS. MCGINNIS** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
20. **MS. MCGINNIS** shall verify that the reports and documentation required by this Order are received in the Board office.
21. **MS. MCGINNIS** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.

### **FAILURE TO COMPLY**

**The stay of MS. MCGINNIS's suspension shall be lifted and MS. MCGINNIS's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. MCGINNIS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. MCGINNIS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. MCGINNIS** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. MCGINNIS** has complied with all aspects of this Order; and (2) the Board determines that **MS. MCGINNIS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. MCGINNIS** and review of the reports as required herein. Any period during which **MS. MCGINNIS** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Sellers, Lori, L. R.N. 257464 (CASE #09-1354)

**Action:** It was moved by Judith Church, seconded by Eric Yoon, that upon consideration of the charges stated against **LORI LEE SELLERS** in the September 25, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. SELLERS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. SELLERS's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time with the conditions for reinstatement set forth below, and that following reinstatement, **MS. SELLERS** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Temporary Narcotic and Temporary Practice Restrictions** set forth below.

### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. SELLERS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SELLERS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MS. SELLERS** shall successfully comply with all conditions imposed in Allen County Court of Common Pleas Case Number CR2009-0164 and shall submit satisfactory documentation of completion.
4. Prior to seeking reinstatement by the Board, **MS SELLERS** shall pay the

fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance, Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

### **Monitoring**

5. **MS. SELLERS** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SELLERS's** history. **MS. SELLERS** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. SELLERS** shall abstain completely from the use of alcohol.
7. Prior to seeking reinstatement by the Board, **MS. SELLERS** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. SELLERS** shall provide the chemical dependency professional with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. SELLERS** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. SELLERS's** license, and a statement as to whether **MS. SELLERS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. SELLERS** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. SELLERS's** license.
9. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. SELLERS** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MS. SELLERS's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. SELLERS** shall be

negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SELLERS's** history.

10. Within thirty (30) days prior to **MS. SELLERS** initiating drug screening, **MS. SELLERS** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. SELLERS**.
11. After initiating drug screening, **MS. SELLERS** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MS. SELLERS** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
12. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. SELLERS** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. SELLERS** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. SELLERS**

13. **MS. SELLERS** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
14. **MS. SELLERS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
15. **MS. SELLERS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
16. **MS. SELLERS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
17. **MS. SELLERS** shall submit the reports and documentation required by

this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

18. **MS. SELLERS** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. SELLERS** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
20. **MS. SELLERS** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. SELLERS** submits a written request for reinstatement; (2) the Board determines that **MS. SELLERS** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. SELLERS** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. SELLERS** and review of the documentation specified in this Order.

**Following reinstatement, MS. SELLERS shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

1. **MS. SELLERS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SELLERS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Monitoring**

3. **MS. SELLERS** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SELLERS's** history. **MS. SELLERS** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. SELLERS** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. SELLERS** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC.

This screening shall require a daily call-in process. The specimens submitted by **MS. SELLERS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SELLERS's** history.

6. **MS. SELLERS** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. SELLERS** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. SELLERS** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MS. SELLERS** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. SELLERS** shall cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. SELLERS** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. SELLERS** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. SELLERS** shall notify the Board.
11. **MS. SELLERS** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. SELLERS** shall provide her employer(s) with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. SELLERS** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. SELLERS**

12. **MS. SELLERS** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. SELLERS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. SELLERS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. SELLERS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. SELLERS** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. SELLERS** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. SELLERS** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
19. Prior to working as a nurse, if requested by the Board or its designee, **MS. SELLERS** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

### **Temporary Narcotic Restriction**

**MS. SELLERS** shall not administer, have access to, or possess (except as prescribed for **MS. SELLERS's** use by another so authorized by law who has full knowledge of **MS. SELLERS's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MS. SELLERS** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. SELLERS** shall not call in or order prescriptions or prescription refills.

### **Temporary Practice Restrictions**

**MS. SELLERS** shall not practice nursing as a registered nurse (1) for agencies

providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. SELLERS** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. SELLERS** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

### **FAILURE TO COMPLY**

The stay of **MS. SELLERS's** suspension shall be lifted and **MS. SELLERS's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. SELLERS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SELLERS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SELLERS** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. SELLERS** has complied with all aspects of this Order; and (2) the Board determines that **MS. SELLERS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. SELLERS** and review of the reports as required herein. Any period during which **MS. SELLERS** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Padilla, Tonya, S. P.N. 069966 (CASE #08-0897)

**Action:** It was moved by Melissa Meyer, seconded by Delphenia Gilbert, that upon consideration of the charges stated against **TONYA S. PADILLA** in the September 25, 2009 Notice of Immediate Suspension and Opportunity for

Hearing and evidence supporting the charges, the Board finds that **MS. PADILLA** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension and Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. PADILLA'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **TONYA S. PADILLA** to surrender her licensed practical nurse license, P.N. #069966, and frameable wall certificate immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Yoder, Elaine, E. R.N. 294806, P.N. 042265 (CASE #08-4707)

**Action:** It was moved by Eric Yoon, seconded by Johnnie Maier, that upon consideration of the charges stated against **ELAINE E. YODER** in the September 25, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. YODER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. YODER's** licenses to practice nursing as a registered nurse and as a licensed practical nurse are hereby suspended for an indefinite period of time, but not less than one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. YODER** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Temporary Narcotic** and **Temporary Practice Restrictions** set forth below.

#### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. YODER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. YODER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MS YODER** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance, Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH

43215-7410.

### **Monitoring**

4. **MS. YODER** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. YODER's** history. **MS. YODER** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. YODER** shall abstain completely from the use of alcohol.
6. Prior to seeking reinstatement by the Board, **MS. YODER** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. YODER** shall provide the chemical dependency professional with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. YODER** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. YODER's** license, and a statement as to whether **MS. YODER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. YODER** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. YODER's** license.
8. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. YODER** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MS. YODER's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. YODER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. YODER's** history.

9. Within thirty (30) days prior to **MS. YODER** initiating drug screening, **MS. YODER** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. YODER**.
10. After initiating drug screening, **MS. YODER** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MS. YODER** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
11. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. YODER** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. YODER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. YODER**

12. **MS. YODER** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
13. **MS. YODER** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. YODER** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. YODER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. YODER** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. YODER** shall verify that the reports and documentation required by this Order are received in the Board office.

18. **MS. YODER** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.

19. **MS. YODER** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. YODER** submits a written request for reinstatement; (2) the Board determines that **MS. YODER** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. YODER** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. YODER** and review of the documentation specified in this Order.

**Following reinstatement, MS. YODER shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

1. **MS. YODER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. YODER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Monitoring**

3. **MS. YODER** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. YODER's** history. **MS. YODER** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. YODER** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. YODER** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. YODER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. YODER's** history.
6. **MS. YODER** shall attend a minimum of one (1) meeting per week of a

support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. YODER** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. YODER** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MS. YODER** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. YODER** shall cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. YODER** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. YODER** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. YODER** shall notify the Board.
11. **MS. YODER** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. YODER** shall provide her employer(s) with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. YODER** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. YODER**

12. **MS. YODER** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.

13. **MS. YODER** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. YODER** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. YODER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. YODER** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. YODER** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. YODER** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
19. Prior to working as a nurse, if requested by the Board or its designee, **MS. YODER** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Temporary Narcotic Restriction**

**MS. YODER** shall not administer, have access to, or possess (except as prescribed for **MS. YODER's** use by another so authorized by law who has full knowledge of **MS. YODER's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MS. YODER** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. YODER** shall not call in or order prescriptions or prescription refills.

#### **Temporary Practice Restrictions**

**MS. YODER** shall not practice nursing as a registered nurse or as a licensed practical nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. YODER** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. YODER** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

### **FAILURE TO COMPLY**

**The stay of MS. YODER's suspension shall be lifted and MS. YODER's** licenses to practice nursing as a registered nurse and as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. YODER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. YODER** via certified mail of the specific nature of the charges and automatic suspension of her licenses. Upon receipt of this notice, **MS. YODER** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. YODER** has complied with all aspects of this Order; and (2) the Board determines that **MS. YODER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. YODER** and review of the reports as required herein. Any period during which **MS. YODER** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

### **Westcote, Nicole, S. R.N. 271438 (CASE #09-1709)**

**Action:** It was moved by Delphenia Gilbert, seconded by Johnnie Maier, that upon consideration of the charges stated against **NICOLE SUZANNE WESTCOTE** in the September 25, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. WESTCOTE** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. WESTCOTE's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time, but not less than one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. WESTCOTE** shall be subject to a stayed

suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Permanent Practice Restrictions** set forth below.

### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. WESTCOTE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. WESTCOTE** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Prior to reinstatement, MS. WESTCOTE** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: four (4) hours of Ethics.

### **Monitoring**

4. Prior to seeking reinstatement by the Board, **MS. WESTCOTE** shall, at her own expense, obtain a psychiatric evaluation from a Board approved psychiatrist and shall provide the Board with complete documentation of such evaluation. Prior to the evaluation, **MS. WESTCOTE** shall provide the psychiatrist with a copy of this Order and Notice of Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. WESTCOTE's** license, and a statement as to whether **MS. WESTCOTE** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
5. **MS. WESTCOTE** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. WESTCOTE's** license.

### **Reporting Requirements of MS. WESTCOTE**

6. **MS. WESTCOTE** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
7. **MS. WESTCOTE** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and

prevailing standards of safe nursing practice.

8. **MS. WESTCOTE** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
9. **MS. WESTCOTE** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
10. **MS. WESTCOTE** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
11. **MS. WESTCOTE** shall verify that the reports and documentation required by this Order are received in the Board office.
12. **MS. WESTCOTE** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
13. **MS. WESTCOTE** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. WESTCOTE** submits a written request for reinstatement; (2) the Board determines that **MS. WESTCOTE** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. WESTCOTE** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. WESTCOTE** and review of the documentation specified in this Order.

**Following reinstatement, MS. WESTCOTE shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

1. **MS. WESTCOTE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. WESTCOTE** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Employment Conditions**

3. Prior to accepting employment as a nurse, each time with every employer, **MS. WESTCOTE** shall notify the Board.

4. **MS. WESTCOTE** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. WESTCOTE** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. WESTCOTE** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

#### **Reporting Requirements of MS. WESTCOTE**

5. **MS. WESTCOTE** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
6. **MS. WESTCOTE** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
7. **MS. WESTCOTE** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
8. **MS. WESTCOTE** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
9. **MS. WESTCOTE** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
10. **MS. WESTCOTE** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MS. WESTCOTE** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
12. Prior to working as a nurse, if requested by the Board or its designee, **MS. WESTCOTE** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Permanent Practice Restrictions**

**MS. WESTCOTE** shall not practice nursing as a registered nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. WESTCOTE** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. WESTCOTE** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

**MS. WESTCOTE** shall not function in a nursing position, which would require **MS. WESTCOTE** to provide direct, hands-on patient care to pediatric patients. *For the purposes of this Order, pediatric patients shall include patients under the age of 18, and between the ages of newly born through age 17.*

#### **FAILURE TO COMPLY**

The stay of **MS. WESTCOTE's** suspension shall be lifted and **MS. WESTCOTE's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. WESTCOTE** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. WESTCOTE** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. WESTCOTE** may request a hearing regarding the charges.

#### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. WESTCOTE** has complied with all aspects of this Order; and (2) the Board determines that **MS. WESTCOTE** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. WESTCOTE** and review of the reports as required herein. Any period during which **MS. WESTCOTE** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Williams, Cristina, J. R.N. 349882 (CASE #09-3085)

**Action:** It was moved by Eric Yoon, seconded by Judith Church, that upon consideration of the charges stated against **CRISTINA JEAN WILLIAMS** in the November 20, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. WILLIAMS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. WILLIAMS's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. WILLIAMS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. WILLIAMS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MS. WILLIAMS** shall successfully complete the terms, conditions, and limitations imposed on **MS. WILLIAMS's** nursing license by the Order of the Texas Board of Nursing (Texas Board) and the Louisiana State Board of Nursing (Louisiana Board). Prior to seeking reinstatement by the Board, **MS. WILLIAMS** shall submit satisfactory documentation from the Texas Board and the Louisiana Board that **MS. WILLIAMS** has successfully completed all terms, conditions, and limitations imposed on **MS. WILLIAMS's** Texas and Louisiana nursing licenses.
4. Prior to seeking reinstatement by the Board, **MS. WILLIAMS** shall pay a fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

**Reporting Requirements of MS. WILLIAMS**

5. **MS. WILLIAMS** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
6. **MS. WILLIAMS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
7. **MS. WILLIAMS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the

Board or to employers or potential employers.

8. **MS. WILLIAMS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
9. **MS. WILLIAMS** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
10. **MS. WILLIAMS** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MS. WILLIAMS** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
12. **MS. WILLIAMS** shall submit to a BCI criminal records check.
13. Prior to working as a nurse, if requested by the Board or its designee, **MS. WILLIAMS** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. WILLIAMS** submits a written request for reinstatement; (2) the Board determines that **MS. WILLIAMS** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. WILLIAMS** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. WILLIAMS** and review of the documentation specified in this Order.

The Board further Orders **CRISTINA JEAN WILLIAMS** to surrender her registered nurse license, R.N. #349882, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Richardson, Deborah, R. P.N. 081610 (CASE #09-0681)

**Action:** It was moved by Judith Church seconded by Johnnie Maier, that upon consideration of the charges stated against **DEBORAH R. RICHARDSON** in the August 10, 2009 Notice of Immediate Suspension, and the September 25,

2009 Notice of Immediate Suspension and Opportunity for Hearing, and evidence supporting the charges, the Board finds that **MS. RICHARDSON** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the August 10, 2009 Notice of Immediate Suspension and the September 25, 2009 Notice of Immediate Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. RICHARDSON's** license to practice nursing as a licensed practical nurse is hereby suspended for a minimum period of one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. RICHARDSON** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Temporary Narcotic** and **Temporary Practice Restrictions** set forth below.

#### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. RICHARDSON** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. RICHARDSON** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MS. RICHARDSON** shall successfully complete all conditions imposed in Warren County Court of Common Pleas Case Number 09CR25804, and shall submit satisfactory documentation of completion of all conditions and release from the court ordered terms, conditions, and limitations imposed in Warren County Court of Common Pleas Case Number 09CR25804.

#### **Monitoring**

4. **MS. RICHARDSON** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. RICHARDSON's** history. **MS. RICHARDSON** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. RICHARDSON** shall abstain completely from the use of alcohol.
6. Prior to seeking reinstatement by the Board, **MS. RICHARDSON** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. RICHARDSON** shall provide the chemical dependency professional with a copy of this Order, the August 10, 2009 Notice of Immediate Suspension, and the September 25, 2009 Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. RICHARDSON** shall execute releases to permit the chemical dependency professional to

- obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. RICHARDSON's** license, and a statement as to whether **MS. RICHARDSON** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. RICHARDSON** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. RICHARDSON's** license.
  8. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MS. RICHARDSON** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MS. RICHARDSON's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day he is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. RICHARDSON** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. RICHARDSON's** history.
  9. Within thirty (30) days prior to **MS. RICHARDSON** initiating drug screening, **MS. RICHARDSON** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. RICHARDSON**.
  10. After initiating drug screening, **MS. RICHARDSON** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MS. RICHARDSON** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  11. **For a minimum, continuous period of six (6) months immediately**

**prior to seeking reinstatement, MS. RICHARDSON** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. RICHARDSON** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. RICHARDSON**

12. **MS. RICHARDSON** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
13. **MS. RICHARDSON** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. RICHARDSON** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. RICHARDSON** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. RICHARDSON** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. RICHARDSON** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. RICHARDSON** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
19. **MS. RICHARDSON** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. RICHARDSON** submits a written request for reinstatement; (2) the Board determines that **MS. RICHARDSON** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. RICHARDSON** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. RICHARDSON** and review of the documentation specified in this Order.

**Following reinstatement, MS. RICHARDSON shall be subject to the**

**following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

1. **MS. RICHARDSON** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. RICHARDSON** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

**Monitoring**

3. **MS. RICHARDSON** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. RICHARDSON's** history. **MS. RICHARDSON** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. RICHARDSON** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. RICHARDSON** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. RICHARDSON** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. RICHARDSON's** history.
6. **MS. RICHARDSON** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. RICHARDSON** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

**Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. RICHARDSON** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MS. RICHARDSON** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. RICHARDSON** shall cause all treating practitioners to complete a

medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. RICHARDSON** throughout the duration of this Order.

9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. RICHARDSON** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. RICHARDSON** shall notify the Board.
11. **MS. RICHARDSON** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. RICHARDSON** shall provide her employer(s) with a copy of this Order, the August 10, 2009 Notice of Immediate Suspension, and the September 25, 2009 Notice of Immediate Suspension and Opportunity for Hearing, and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order, the August 10, 2009 Notice of Immediate Suspension, and the September 25, 2009 Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. RICHARDSON** is under a continuing duty to provide a copy of this Order, the August 10, 2009 Notice of Immediate Suspension, and the September 25, 2009 Notice of Immediate Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. RICHARDSON**

12. **MS. RICHARDSON** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. RICHARDSON** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. RICHARDSON** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. RICHARDSON** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.

16. **MS. RICHARDSON** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. RICHARDSON** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. RICHARDSON** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
19. Prior to working as a nurse, if requested by the Board or its designee, **MS. RICHARDSON** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Temporary Narcotic Restriction**

**MS. RICHARDSON** shall not administer, have access to, or possess (except as prescribed for **MS. RICHARDSON's** use by another so authorized by law who has full knowledge of **MS. RICHARDSON's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MS. RICHARDSON** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. RICHARDSON** shall not call in or order prescriptions or prescription refills.

#### **Temporary Practice Restrictions**

**MS. RICHARDSON** shall not practice nursing as a licensed practical nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. RICHARDSON** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. RICHARDSON** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

#### **FAILURE TO COMPLY**

**The stay of MS. RICHARDSON's suspension shall be lifted and MS. RICHARDSON's** license to practice nursing as a licensed practical nurse will

be automatically suspended if it appears to the Board that **MS. RICHARDSON** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. RICHARDSON** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. RICHARDSON** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. RICHARDSON** has complied with all aspects of this Order; and (2) the Board determines that **MS. RICHARDSON** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. RICHARDSON** and review of the reports as required herein. Any period during which **MS. RICHARDSON** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

### **Buckley, Kristen, L. R.N. 241930 (CASE #09-3866)**

**Action:** It was moved by Melissa Meyer, seconded Eric Yoon, that upon consideration of the charges stated against **KRISTEN LYNN BUCKLEY** in the August 7, 2009 Notice of Immediate Suspension and Opportunity for Hearing, and the September 25, 2009 Notice of Opportunity for Hearing ("Notices") and evidence supporting the charges, the Board finds that **MS. BUCKLEY** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notices. The Ohio Board of Nursing ORDERS that **MS. BUCKLEY'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **KRISTEN LYNN BUCKLEY** to surrender her registered nurse license, R.N. #241930, and frameable wall certificate immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Clark, Tonya, L. P.N. 103898 (CASE #09-3308)

**Action:** It was moved by Eric Yoon, seconded by Judith Church, that upon consideration of the charges stated against **TONYA L. CLARK** in the November 20, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. CLARK** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. CLARK'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **TONYA L. CLARK** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #103898, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Cihlar, Steven, R. R.N. endorse (CASE #09-0637)

**Action:** It was moved by Delphenia Gilbert, seconded by Judith Church, that upon consideration of the charges stated against **STEVEN CIHLAR** in the May 15, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. CIHLAR** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MR. CIHLAR'S** application for licensure by endorsement to practice nursing as a registered nurse is hereby **PERMANENTLY DENIED**.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Harding, Angela, J. R.N. 269487 (CASE #08-3642)

**Action:** It was moved by Melissa Meyer, seconded by Delphenia Gilbert, that upon consideration of the charges stated against **ANGELA JO HARDING** in the November 20, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. HARDING** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension

and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. HARDING's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time, but not less than one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. HARDING** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years and the **Temporary Narcotic and Temporary Practice Restrictions** set forth below.

### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. HARDING** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HARDING** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MS. HARDING** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance, Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

### **Monitoring**

4. **MS. HARDING** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HARDING's** history. **MS. HARDING** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. HARDING** shall abstain completely from the use of alcohol.
6. Prior to seeking reinstatement by the Board, **MS. HARDING** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. HARDING** shall provide the chemical dependency professional with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. HARDING** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. HARDING's** license, and a statement as to whether **MS. HARDING** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

7. **MS. HARDING** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. HARDING's** license.
8. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MS. HARDING** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MS. HARDING's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. HARDING** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HARDING's** history.
9. Within thirty (30) days prior to **MS. HARDING** initiating drug screening, **MS. HARDING** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. HARDING**.
10. After initiating drug screening, **MS. HARDING** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MS. HARDING** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
11. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MS. HARDING** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. HARDING** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
12. Prior to seeking reinstatement by the Board, **MS. HARDING** shall, at her own expense, obtain a psychiatric evaluation from a Board approved

psychiatrist and shall provide the Board with complete documentation of such evaluation. Prior to the evaluation, **MS. HARDING** shall provide the psychiatrist with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. HARDING's** license, and a statement as to whether **MS. HARDING** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

13. **MS. HARDING** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. HARDING's** license.

#### **Reporting Requirements of MS. HARDING**

14. **MS. HARDING** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
15. **MS. HARDING** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
16. **MS. HARDING** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
17. **MS. HARDING** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
18. **MS. HARDING** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
19. **MS. HARDING** shall verify that the reports and documentation required by this Order are received in the Board office.
20. **MS. HARDING** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.

21. **MS. HARDING** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. HARDING** submits a written request for reinstatement; (2) the Board determines that **MS. HARDING** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. HARDING** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. HARDING** and review of the documentation specified in this Order.

**Following reinstatement, MS. HARDING shall be subject to the following probationary terms, conditions, and limitations for a minimum period of two (2) years.**

1. **MS. HARDING** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HARDING** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Monitoring**

3. **MS. HARDING** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HARDING's** history. **MS. HARDING** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. HARDING** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. HARDING** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. HARDING** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HARDING's** history.
6. **MS. HARDING** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. HARDING** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. HARDING** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MS. HARDING** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. HARDING** shall cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. HARDING** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. HARDING** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. HARDING** shall notify the Board.
11. **MS. HARDING** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. HARDING** shall provide her employer(s) with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. HARDING** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. HARDING**

12. **MS. HARDING** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. HARDING** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.

14. **MS. HARDING** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. HARDING** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. HARDING** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. HARDING** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. HARDING** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
19. Prior to working as a nurse, **MS. HARDING** shall complete an extensive nurse orientation program approved in advance by the Board.

#### **Temporary Narcotic Restriction**

**MS. HARDING** shall not administer, have access to, or possess (except as prescribed for **MS. HARDING's** use by another so authorized by law who has full knowledge of **MS. HARDING's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MS. HARDING** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. HARDING** shall not call in or order prescriptions or prescription refills.

#### **Temporary Practice Restrictions**

**MS. HARDING** shall not practice nursing as a registered nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. HARDING** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. HARDING** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing

responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

### **FAILURE TO COMPLY**

**The stay of MS. HARDING's suspension shall be lifted and MS. HARDING's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. HARDING** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. HARDING** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. HARDING** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. HARDING** has complied with all aspects of this Order; and (2) the Board determines that **MS. HARDING** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. HARDING** and review of the reports as required herein. Any period during which **MS. HARDING** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Harp, Megan, R. P.N. 120558 (CASE #09-0697)

**Action:** It was moved by Judith Church, seconded by Johnnie Maier, that upon consideration of the charges stated against **MEGAN R. HARP** in the November 20, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. HARP** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. HARP's** license to practice nursing as a licensed practical nurse is hereby suspended for a minimum period of two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. HARP** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Temporary Narcotic and Temporary Practice Restrictions** set forth below.

## **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. HARP** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HARP** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Monitoring**

3. **MS. HARP** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HARP's** history. **MS. HARP** shall self-administer the prescribed drugs only in the manner prescribed.
4. **MS. HARP** shall abstain completely from the use of alcohol.
5. Prior to seeking reinstatement by the Board, **MS. HARP** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. HARP** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. HARP** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. HARP's** license, and a statement as to whether **MS. HARP** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MS. HARP** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. HARP's** license.
7. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MS. HARP** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MS. HARP's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license

- for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. HARP** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HARP's** history.
8. Within thirty (30) days prior to **MS. HARP** initiating drug screening, **MS. HARP** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. HARP**.
  9. After initiating drug screening, **MS. HARP** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MS. HARP** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  10. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MS. HARP** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. HARP** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. HARP**

11. **MS. HARP** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
12. **MS. HARP** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
13. **MS. HARP** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
14. **MS. HARP** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.

15. **MS. HARP** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
16. **MS. HARP** shall verify that the reports and documentation required by this Order are received in the Board office.
17. **MS. HARP** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
18. **MS. HARP** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. HARP** submits a written request for reinstatement; (2) the Board determines that **MS. HARP** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. HARP** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. HARP** and review of the documentation specified in this Order.

**Following reinstatement, MS. HARP shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

1. **MS. HARP** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HARP** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Monitoring**

3. **MS. HARP** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HARP's** history. **MS. HARP** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. HARP** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. HARP** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. HARP**

shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HARP's** history.

6. **MS. HARP** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. HARP** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. HARP** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MS. HARP** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. HARP** shall cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. HARP** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. HARP** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. HARP** shall notify the Board.
11. **MS. HARP** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. HARP** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. HARP** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. HARP**

12. **MS. HARP** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. HARP** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. HARP** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. HARP** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. HARP** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. HARP** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. HARP** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
19. Prior to working as a nurse, if requested by the Board or its designee, **MS. HARP** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

### **Temporary Narcotic Restriction**

**MS. HARP** shall not administer, have access to, or possess (except as prescribed for **MS. HARP's** use by another so authorized by law who has full knowledge of **MS. HARP's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MS. HARP** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. HARP** shall not call in or order prescriptions or prescription refills.

### **Temporary Practice Restrictions**

**MS. HARP** shall not practice nursing as a licensed practical nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care

programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. HARP** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. HARP** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

### **FAILURE TO COMPLY**

**The stay of MS. HARP's suspension shall be lifted and MS. HARP's license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that MS. HARP has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify MS. HARP via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, MS. HARP may request a hearing regarding the charges.**

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. HARP** has complied with all aspects of this Order; and (2) the Board determines that **MS. HARP** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. HARP** and review of the reports as required herein. Any period during which **MS. HARP** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Holivay, Candis, M. R.N. 311461 (CASE #08-3220)

**Action:** It was moved by Eric Yoon, seconded by Johnnie Maier, that upon consideration of the charges stated against **CANDIS MEREDITH HOLIVAY** in the September 25, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. HOLIVAY** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as

stated in the Notice of Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. HOLIVAY'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **CANDIS MEREDITH HOLIVAY** to surrender her registered nurse license, R.N. #311461, and frameable wall certificate immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Jackson, Cynthia, I. P.N. 105920 (CASE #09-5804)

**Action:** It was moved by Judith Church, seconded by Johnnie Maier, that upon consideration of the charges stated against **CYNTHIA IRENE JACKSON** in the November 20, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. JACKSON** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. JACKSON's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time, but not less than one (1) year, with the conditions for reinstatement set forth below, and that following reinstatement, **MS. JACKSON** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years with the **Permanent Narcotic** and **Permanent Practice Restrictions** set forth below.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. JACKSON** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. JACKSON** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

**Monitoring**

3. **MS. JACKSON** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. JACKSON's** history. **MS. JACKSON** shall self-administer the prescribed drugs only in the manner prescribed.
4. **MS. JACKSON** shall abstain completely from the use of alcohol.

5. Prior to seeking reinstatement by the Board, **MS. JACKSON** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. JACKSON** shall provide the chemical dependency professional with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. JACKSON** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. JACKSON's** license, and a statement as to whether **MS. JACKSON** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MS. JACKSON** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. JACKSON's** license.
7. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. JACKSON** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MS. JACKSON's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. JACKSON** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. JACKSON's** history.
8. Within thirty (30) days prior to **MS. JACKSON** initiating drug screening, **MS. JACKSON** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. JACKSON**.
9. After initiating drug screening, **MS. JACKSON** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating

practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MS. JACKSON** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.

10. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. JACKSON** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. JACKSON** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. JACKSON**

11. **MS. JACKSON** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
12. **MS. JACKSON** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
13. **MS. JACKSON** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
14. **MS. JACKSON** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
15. **MS. JACKSON** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
16. **MS. JACKSON** shall verify that the reports and documentation required by this Order are received in the Board office.
17. **MS. JACKSON** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
18. **MS. JACKSON** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. JACKSON** submits a written request for reinstatement; (2) the Board determines that **MS. JACKSON** has complied with all conditions of

reinstatement; and (3) the Board determines that **MS. JACKSON** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. JACKSON** and review of the documentation specified in this Order.

**Following reinstatement, MS. JACKSON shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

1. **MS. JACKSON** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. JACKSON** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Monitoring**

3. **MS. JACKSON** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. JACKSON's** history. **MS. JACKSON** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. JACKSON** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. JACKSON** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. JACKSON** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. JACKSON's** history.
6. **MS. JACKSON** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. JACKSON** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. JACKSON** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MS. JACKSON** shall be

- under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. JACKSON** shall cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. JACKSON** throughout the duration of this Order.
  9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. JACKSON** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. JACKSON** shall notify the Board.
11. **MS. JACKSON** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. JACKSON** shall provide her employer(s) with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. JACKSON** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. JACKSON**

12. **MS. JACKSON** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. JACKSON** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. JACKSON** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. JACKSON** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and

communications required by this Order shall be made to the Compliance Unit of the Board.

16. **MS. JACKSON** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. JACKSON** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. JACKSON** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
19. Prior to working as a nurse, **MS. JACKSON** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Permanent Narcotic Restriction**

**MS. JACKSON** shall not administer, have access to, or possess (except as prescribed for **MS. JACKSON's** use by another so authorized by law who has full knowledge of **MS. JACKSON's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MS. JACKSON** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. JACKSON** shall not call in or order prescriptions or prescription refills.

#### **Permanent Practice Restrictions**

**MS. JACKSON** shall not practice nursing as a licensed practical nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. JACKSON** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. JACKSON** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

### **FAILURE TO COMPLY**

The stay of **MS. JACKSON's** suspension shall be lifted and **MS. JACKSON's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. JACKSON** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. JACKSON** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. JACKSON** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. JACKSON** has complied with all aspects of this Order; and (2) the Board determines that **MS. JACKSON** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. JACKSON** and review of the reports as required herein. Any period during which **MS. JACKSON** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, Maryam Lyon, J. Jane McFee, Tracy Ruegg, and Roberta Stokes abstaining.

Westrick, Nicole, K. P.N. 110740 (CASE #08-1437)

**Action:** It was moved by Delphenia Gilbert, seconded by Judith Church, that upon consideration of the charges stated against **NICOLE KRISTY WESTRICK** in the July 10, 2009 Notice of Immediate Suspension and Opportunity for Hearing, and the July 24, 2009 Notice of Opportunity for Hearing ("Notices"), and evidence supporting the charges, the Board finds that **MS. WESTRICK** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notices. The Ohio Board of Nursing ORDERS that **MS. WESTRICK'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **NICOLE KRISTY WESTRICK** to surrender her licensed practical nurse license, P.N. #110740, and frameable wall certificate immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett and J. Jane McFee abstaining.

Walker, Michael, J. P.N. 114253 (CASE #09-0440)

**Action:** It was moved by Maryam Lyon, seconded by Judith Church, that upon consideration of the charges stated against **MICHAEL JAMES WALKER** in the September 25, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. WALKER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MR. WALKER's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time, but not less than one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MR. WALKER** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years.

#### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MR. WALKER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. WALKER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MR. WALKER** shall complete an extensive nurse orientation program approved in advance by the Board.

#### **Reporting Requirements of MR. WALKER**

4. **MR. WALKER** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
5. **MR. WALKER** shall submit any and all information that the Board may request regarding his ability to practice according to acceptable and prevailing standards of safe nursing practice.
6. **MR. WALKER** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
7. **MR. WALKER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.

8. **MR. WALKER** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
9. **MR. WALKER** shall verify that the reports and documentation required by this Order are received in the Board office.
10. **MR. WALKER** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
11. **MR. WALKER** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MR. WALKER** submits a written request for reinstatement; (2) the Board determines that **MR. WALKER** has complied with all conditions of reinstatement; and (3) the Board determines that **MR. WALKER** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MR. WALKER** and review of the documentation specified in this Order.

**Following reinstatement, MR. WALKER shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

1. **MR. WALKER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. WALKER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Employment Conditions**

3. Prior to accepting employment as a nurse, each time with every employer, **MR. WALKER** shall notify the Board.
4. **MR. WALKER** shall have his employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MR. WALKER** shall provide his employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MR. WALKER** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MR. WALKER**

5. **MR. WALKER** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
6. **MR. WALKER** shall submit any and all information that the Board may request regarding his ability to practice according to acceptable and prevailing standards of safe nursing practice.
7. **MR. WALKER** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
8. **MR. WALKER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
9. **MR. WALKER** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
10. **MR. WALKER** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MR. WALKER** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.

### **FAILURE TO COMPLY**

**The stay of MR. WALKER's suspension shall be lifted and MR. WALKER's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MR. WALKER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MR. WALKER** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. WALKER** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MR. WALKER** has complied with all aspects of this Order; and (2) the Board determines that **MR. WALKER** is able to practice according to acceptable and prevailing standards of safe nursing care without

Board monitoring, based upon an interview with **MR. WALKER** and review of the reports as required herein. Any period during which **MR. WALKER** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

The Board further Orders **MICHAEL JAMES WALKER** to surrender his licensed practical nurse license, P.N. #114253, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, J. Jane McFee, and Roberta Stokes abstaining.

Foreman, Dotsie, R. P.N. 106228 (CASE #08-2424)

**Action:** It was moved by Tracy Ruegg, seconded by Delphenia Gilbert, that upon consideration of the charges stated against **DOTSIE RUTH FOREMAN** in the October 9, 2009 Notice of Immediate Suspension and Opportunity for Hearing, and the November 20, 2009 Notice of Opportunity for Hearing, and evidence supporting the charges, the Board finds that **MS. FOREMAN** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the October 9, 2009 Notice of Immediate Suspension and Opportunity for Hearing, and the November 20, 2009 Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. FOREMAN's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time, but not less than three (3) years, with the conditions for reinstatement set forth below, and that following reinstatement, **MS. FOREMAN** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Temporary Narcotic** and **Temporary Practice Restrictions** set forth below.

#### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. FOREMAN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. FOREMAN** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MS. FOREMAN** shall successfully comply with all conditions imposed in Sandusky County Court of Common Pleas Case Number 09-CR-721 and shall submit satisfactory documentation of completion.
4. Prior to seeking reinstatement by the Board, **MS. FOREMAN** shall pay the

fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance, Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

### **Monitoring**

5. **MS. FOREMAN** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. FOREMAN's** history. **MS. FOREMAN** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. FOREMAN** shall abstain completely from the use of alcohol.
7. Prior to seeking reinstatement by the Board, **MS. FOREMAN** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. FOREMAN** shall provide the chemical dependency professional with a copy of this Order and October 9, 2009 Notice of Immediate Suspension and Opportunity for Hearing, and the November 20, 2009 Notice of Opportunity for Hearing. Further, **MS. FOREMAN** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. FOREMAN's** license, and a statement as to whether **MS. FOREMAN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. FOREMAN** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. FOREMAN's** license.
9. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. FOREMAN** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MS. FOREMAN's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license

- for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. FOREMAN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. FOREMAN's** history.
10. Within thirty (30) days prior to **MS. FOREMAN** initiating drug screening, **MS. FOREMAN** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. FOREMAN**.
  11. After initiating drug screening, **MS. FOREMAN** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MS. FOREMAN** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  12. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. FOREMAN** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. FOREMAN** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. FOREMAN**

13. **MS. FOREMAN** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
14. **MS. FOREMAN** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
15. **MS. FOREMAN** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
16. **MS. FOREMAN** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.

17. **MS. FOREMAN** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. FOREMAN** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. FOREMAN** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
20. **MS. FOREMAN** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. FOREMAN** submits a written request for reinstatement; (2) the Board determines that **MS. FOREMAN** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. FOREMAN** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. FOREMAN** and review of the documentation specified in this Order.

**Following reinstatement, MS. FOREMAN shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

1. **MS. FOREMAN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. FOREMAN** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Monitoring**

3. **MS. FOREMAN** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. FOREMAN's** history. **MS. FOREMAN** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. FOREMAN** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. FOREMAN** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a

manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. FOREMAN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. FOREMAN's** history.

6. **MS. FOREMAN** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. FOREMAN** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. FOREMAN** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MS. FOREMAN** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. FOREMAN** shall cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. FOREMAN** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. FOREMAN** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. FOREMAN** shall notify the Board.
11. **MS. FOREMAN** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. FOREMAN** shall provide her employer(s) with a copy of this Order and the October 9, 2009 Notice of Immediate Suspension and Opportunity for Hearing, and the November 20, 2009 Notice of Opportunity for Hearing, and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and October 9, 2009 Notice of Immediate Suspension and Opportunity for Hearing, and the November 20, 2009 Notice of Opportunity for Hearing, including the date

they were received. Further, **MS. FOREMAN** is under a continuing duty to provide a copy of this Order and the October 9, 2009 Notice of Immediate Suspension and Opportunity for Hearing, and the November 20, 2009 Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. FOREMAN**

12. **MS. FOREMAN** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. FOREMAN** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. FOREMAN** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. FOREMAN** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. FOREMAN** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. FOREMAN** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. FOREMAN** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
19. Prior to working as a nurse, **MS. FOREMAN** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

### **Temporary Narcotic Restriction**

**MS. FOREMAN** shall not administer, have access to, or possess (except as prescribed for **MS. FOREMAN's** use by another so authorized by law who has full knowledge of **MS. FOREMAN's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MS. FOREMAN** shall not count narcotics or possess or carry any work keys for locked medication carts,

cabinets, drawers, or containers. **MS. FOREMAN** shall not call in or order prescriptions or prescription refills.

### **Temporary Practice Restrictions**

**MS. FOREMAN** shall not practice nursing as a licensed practical nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. FOREMAN** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. FOREMAN** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

### **FAILURE TO COMPLY**

The stay of **MS. FOREMAN's** suspension shall be lifted and **MS. FOREMAN's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. FOREMAN** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. FOREMAN** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. FOREMAN** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. FOREMAN** has complied with all aspects of this Order; and (2) the Board determines that **MS. FOREMAN** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. FOREMAN** and review of the reports as required herein. Any period during which **MS. FOREMAN** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett, J. Jane McFee, and Roberta Stokes abstaining.

Towell, Deborah, A. P.N. 050375 (CASE #09-4912)

**Action:** It was moved by Delphenia Gilbert, seconded by Maryam Lyon, that upon consideration of the charges stated against **DEBORAH A. TOWELL** in the November 20, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. TOWELL** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. TOWELL's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time, but not less than one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. TOWELL** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Temporary Narcotic and Temporary Practice Restrictions** set forth below.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. TOWELL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. TOWELL** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MS. TOWELL** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance, Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

**Monitoring**

4. **MS. TOWELL** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. TOWELL's** history. **MS. TOWELL** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. TOWELL** shall abstain completely from the use of alcohol.
6. Prior to seeking reinstatement by the Board, **MS. TOWELL** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. TOWELL** shall provide the chemical dependency professional with a

- copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. TOWELL** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. TOWELL's** license, and a statement as to whether **MS. TOWELL** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. TOWELL** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. TOWELL's** license.
  8. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. TOWELL** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MS. TOWELL's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. TOWELL** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. TOWELL's** history.
  9. Within thirty (30) days prior to **MS. TOWELL** initiating drug screening, **MS. TOWELL** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. TOWELL**.
  10. After initiating drug screening, **MS. TOWELL** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MS. TOWELL** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.

11. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. TOWELL** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. TOWELL** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. TOWELL**

12. **MS. TOWELL** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
13. **MS. TOWELL** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. TOWELL** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. TOWELL** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. TOWELL** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. TOWELL** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. TOWELL** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
19. **MS. TOWELL** shall submit to a BCI criminal records check.

#### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. TOWELL** submits a written request for reinstatement; (2) the Board determines that **MS. TOWELL** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. TOWELL** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. TOWELL** and review of the documentation specified in this Order.

**Following reinstatement, MS. TOWELL shall be subject to the following**

**probationary terms, conditions, and limitations for a minimum period of three (3) years.**

1. **MS. TOWELL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. TOWELL** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

**Monitoring**

3. **MS. TOWELL** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. TOWELL's** history. **MS. TOWELL** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. TOWELL** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. TOWELL** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. TOWELL** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. TOWELL's** history.
6. **MS. TOWELL** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. TOWELL** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

**Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. TOWELL** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MS. TOWELL** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. TOWELL** shall cause all treating practitioners to complete a

medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. TOWELL** throughout the duration of this Order.

9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. TOWELL** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. TOWELL** shall notify the Board.
11. **MS. TOWELL** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. TOWELL** shall provide her employer(s) with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. TOWELL** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. TOWELL**

12. **MS. TOWELL** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. TOWELL** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. TOWELL** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. TOWELL** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. TOWELL** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

17. **MS. TOWELL** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. TOWELL** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
19. Prior to working as a nurse, if requested by the Board or its designee, **MS. TOWELL** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Temporary Narcotic Restriction**

**MS. TOWELL** shall not administer, have access to, or possess (except as prescribed for **MS. TOWELL's** use by another so authorized by law who has full knowledge of **MS. TOWELL's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MS. TOWELL** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. TOWELL** shall not call in or order prescriptions or prescription refills.

#### **Temporary Practice Restrictions**

**MS. TOWELL** shall not practice nursing as a licensed practical nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. TOWELL** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. TOWELL** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

#### **FAILURE TO COMPLY**

**The stay of MS. TOWELL's suspension shall be lifted and MS. TOWELL's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. TOWELL** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. TOWELL** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon

receipt of this notice, **MS. TOWELL** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. TOWELL** has complied with all aspects of this Order; and (2) the Board determines that **MS. TOWELL** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. TOWELL** and review of the reports as required herein. Any period during which **MS. TOWELL** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett and J. Jane McFee abstaining.

Cabell, Walter, E. P.N. 083735 (CASE #09-4788)

**Action:** It was moved by Judith Church, seconded by Maryam Lyon, that upon consideration of the charges stated against **WALTER E. CABELL** in the November 20, 2009 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. CABELL** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Automatic Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MR. CABELL's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time with the conditions for reinstatement set forth below, and that following reinstatement, **MR. CABELL** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years and the **Permanent Narcotic and Permanent Practice Restrictions** set forth below.

### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MR. CABELL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. CABELL** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MR. CABELL** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the

Board. Payment shall be mailed to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

### **Monitoring**

4. **MR. CABELL** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. CABELL's** history. **MR. CABELL** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MR. CABELL** shall abstain completely from the use of alcohol.
6. Prior to seeking reinstatement by the Board, **MR. CABELL** shall, at his own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MR. CABELL** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MR. CABELL** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MR. CABELL's** license, and a statement as to whether **MR. CABELL** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MR. CABELL** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MR. CABELL's** license.
8. **For a minimum, continuous period of ninety (90) days immediately prior to seeking reinstatement, MR. CABELL** shall submit, at his expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MR. CABELL's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day he is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MR. CABELL** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge

of **MR. CABELL's** history.

9. Within thirty (30) days prior to **MR. CABELL** initiating drug screening, **MR. CABELL** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MR. CABELL**.
10. After initiating drug screening, **MR. CABELL** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MR. CABELL** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
11. **For a minimum, continuous period of ninety (90) days immediately prior to seeking reinstatement, MR. CABELL** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MR. CABELL** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MR. CABELL**

12. **MR. CABELL** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
13. **MR. CABELL** shall submit any and all information that the Board may request regarding his ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MR. CABELL** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MR. CABELL** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MR. CABELL** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

17. **MR. CABELL** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MR. CABELL** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
19. **MR. CABELL** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MR. CABELL** submits a written request for reinstatement; (2) the Board determines that **MR. CABELL** has complied with all conditions of reinstatement; and (3) the Board determines that **MR. CABELL** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MR. CABELL** and review of the documentation specified in this Order.

**Following reinstatement, MR. CABELL shall be subject to the following probationary terms, conditions, and limitations for a minimum period of two (2) years.**

1. **MR. CABELL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. CABELL** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Monitoring**

3. **MR. CABELL** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. CABELL's** history. **MR. CABELL** shall self-administer prescribed drugs only in the manner prescribed.
4. **MR. CABELL** shall abstain completely from the use of alcohol.
5. During the probationary period, **MR. CABELL** shall submit, at his expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MR. CABELL** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. CABELL's** history.

6. **MR. CABELL** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MR. CABELL** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MR. CABELL** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MR. CABELL** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MR. CABELL** shall cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MR. CABELL** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MR. CABELL** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MR. CABELL** shall notify the Board.
11. **MR. CABELL** shall have his employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MR. CABELL** shall provide his employer(s) with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing and shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received. Further, **MR. CABELL** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MR. CABELL**

12. **MR. CABELL** shall sign releases of information forms allowing health professionals and other organizations to submit the requested

documentation directly to the Board.

13. **MR. CABELL** shall submit any and all information that the Board may request regarding his ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MR. CABELL** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MR. CABELL** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MR. CABELL** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MR. CABELL** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MR. CABELL** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
19. Prior to working as a nurse, **MR. CABELL** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Permanent Narcotic Restriction**

**MR. CABELL** shall not administer, have access to, or possess (except as prescribed for **MR. CABELL's** use by another so authorized by law who has full knowledge of **MR. CABELL's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MR. CABELL** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MR. CABELL** shall not call in or order prescriptions or prescription refills.

#### **Permanent Practice Restrictions**

**MR. CABELL** shall not practice nursing as a licensed practical nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals

who directly engage **MR. CABELL** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MR. CABELL** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

### **FAILURE TO COMPLY**

**The stay of MR. CABELL's suspension shall be lifted and MR. CABELL's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MR. CABELL** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MR. CABELL** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. CABELL** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MR. CABELL** has complied with all aspects of this Order; and (2) the Board determines that **MR. CABELL** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MR. CABELL** and review of the reports as required herein. Any period during which **MR. CABELL** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett and J. Jane McFee abstaining.

Puckett, Shelley, M. R.N. 325354 (CASE #08-3072)

**Action:** It was move by Melissa Meyer, seconded by Delphenia Gilbert, that upon consideration of the charges stated against **SHELLEY PUCKETT** in the September 25, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. PUCKETT** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. PUCKETT's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time, but not less than (6) months with the conditions for reinstatement set forth below, and that following

reinstatement, **MS. PUCKETT** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of one (1) year and the **Temporary Narcotic and Temporary Practice Restrictions** set forth below.

#### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. PUCKETT** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. PUCKETT** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MS. PUCKETT** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: ten (10) hours of Ethics.
4. Prior to seeking reinstatement by the Board, **MS. PUCKETT** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance, Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

#### **Reporting Requirements of MS. PUCKETT**

5. **MS. PUCKETT** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
6. **MS. PUCKETT** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
7. **MS. PUCKETT** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
8. **MS. PUCKETT** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
9. **MS. PUCKETT** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

10. **MS. PUCKETT** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MS. PUCKETT** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
12. **MS. PUCKETT** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. PUCKETT** submits a written request for reinstatement; (2) the Board determines that **MS. PUCKETT** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. PUCKETT** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. PUCKETT** and review of the documentation specified in this Order.

**Following reinstatement, MS. PUCKETT shall be subject to the following probationary terms, conditions, and limitations for a minimum period of one (1) year.**

1. **MS. PUCKETT** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. PUCKETT** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Employment Conditions**

3. Prior to accepting employment as a nurse, each time with every employer, **MS. PUCKETT** shall notify the Board.
4. **MS. PUCKETT** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. PUCKETT** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. PUCKETT** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. PUCKETT**

5. **MS. PUCKETT** shall sign releases of information forms allowing health

professionals and other organizations to submit the requested documentation directly to the Board.

6. **MS. PUCKETT** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
7. **MS. PUCKETT** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
8. **MS. PUCKETT** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
9. **MS. PUCKETT** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
10. **MS. PUCKETT** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MS. PUCKETT** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
12. Prior to working as a nurse, if requested by the Board or its designee, **MS. PUCKETT** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Temporary Narcotic Restriction**

**MS. PUCKETT** shall not administer, have access to, or possess (except as prescribed for **MS. PUCKETT's** use by another so authorized by law who has full knowledge of **MS. PUCKETT's** history) any narcotics, other controlled substances, or mood altering drugs for a minimum period of **one (1) year** in which **MS. PUCKETT** is working in a position that requires a nursing license. At any time after the one-year period previously described, **MS. PUCKETT** may submit a written request to the Board to have this restriction re-evaluated. In addition, **MS. PUCKETT** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. PUCKETT** shall not call in or order prescriptions or prescription refills.

#### **Temporary Practice Restrictions**

**MS. PUCKETT** shall not practice nursing as a registered nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs

providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. PUCKETT** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. PUCKETT** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

### **FAILURE TO COMPLY**

The stay of **MS. PUCKETT's** suspension shall be lifted and **MS. PUCKETT's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. PUCKETT** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. PUCKETT** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. PUCKETT** may request a hearing regarding the charges.

### **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. PUCKETT** has complied with all aspects of this Order; and (2) the Board determines that **MS. PUCKETT** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. PUCKETT** and review of the reports as required herein. Any period during which **MS. PUCKETT** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

The Board further Orders **SHELLEY PUCKETT** to surrender her registered nurse license, R.N. #325354, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett and J. Jane McFee abstaining.

**Action:** It was moved by Tracy Ruegg, seconded by Maryam Lyon, that upon consideration of the charges stated against **RYAN DANIELLE STEVENS** in the November 20, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. STEVENS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. STEVENS's** licenses to practice nursing as a registered nurse and as a licensed practical nurse are hereby suspended for an indefinite period of time, but not less than one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. STEVENS** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Temporary Narcotic and Temporary Practice Restrictions** set forth below.

#### **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. STEVENS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. STEVENS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MS. STEVENS** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance, Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

#### **Monitoring**

4. **MS. STEVENS** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. STEVENS's** history. **MS. STEVENS** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. STEVENS** shall abstain completely from the use of alcohol.
6. Prior to seeking reinstatement by the Board, **MS. STEVENS** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. STEVENS** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. STEVENS** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary

- for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. STEVENS's** license, and a statement as to whether **MS. STEVENS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. STEVENS** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. STEVENS's** license.
  8. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. STEVENS** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MS. STEVENS's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. STEVENS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. STEVENS's** history.
  9. Within thirty (30) days prior to **MS. STEVENS** initiating drug screening, **MS. STEVENS** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. STEVENS**.
  10. After initiating drug screening, **MS. STEVENS** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MS. STEVENS** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  11. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. STEVENS** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in

advance by the Board, or a Twelve Step program, and **MS. STEVENS** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. STEVENS**

12. **MS. STEVENS** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
13. **MS. STEVENS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. STEVENS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. STEVENS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. STEVENS** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. STEVENS** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. STEVENS** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
19. **MS. STEVENS** shall submit to a BCI criminal records check.

### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. STEVENS** submits a written request for reinstatement; (2) the Board determines that **MS. STEVENS** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. STEVENS** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. STEVENS** and review of the documentation specified in this Order.

**Following reinstatement, MS. STEVENS shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

1. **MS. STEVENS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. STEVENS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

### **Monitoring**

3. **MS. STEVENS** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. STEVENS's** history. **MS. STEVENS** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. STEVENS** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. STEVENS** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. STEVENS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. STEVENS's** history.
6. **MS. STEVENS** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. STEVENS** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. STEVENS** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MS. STEVENS** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. STEVENS** shall cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any

and all substances prescribed, administered, or dispensed to **MS. STEVENS** throughout the duration of this Order.

9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. STEVENS** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. STEVENS** shall notify the Board.
11. **MS. STEVENS** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. STEVENS** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. STEVENS** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. STEVENS**

12. **MS. STEVENS** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. STEVENS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. STEVENS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. STEVENS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. STEVENS** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. STEVENS** shall verify that the reports and documentation required by

this Order are received in the Board office.

18. **MS. STEVENS** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
19. Prior to working as a nurse, if requested by the Board or its designee, **MS. STEVENS** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Temporary Narcotic Restriction**

**MS. STEVENS** shall not administer, have access to, or possess (except as prescribed for **MS. STEVENS's** use by another so authorized by law who has full knowledge of **MS. STEVENS's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MS. STEVENS** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. STEVENS** shall not call in or order prescriptions or prescription refills.

#### **Temporary Practice Restrictions**

**MS. STEVENS** shall not practice nursing as a registered nurse or a licensed practical nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. STEVENS** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. STEVENS** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

#### **FAILURE TO COMPLY**

**The stay of MS. STEVENS's suspension shall be lifted and MS. STEVENS's** licenses to practice nursing as a registered nurse and as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. STEVENS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. STEVENS** via certified mail of the specific nature of the charges and automatic suspension of her licenses. Upon receipt of this notice, **MS. STEVENS** may request a hearing regarding the charges.

## **DURATION**

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. STEVENS** has complied with all aspects of this Order; and (2) the Board determines that **MS. STEVENS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. STEVENS** and review of the reports as required herein. Any period during which **MS. STEVENS** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

The Board further Orders **RYAN DANIELLE STEVENS** to surrender her registered nurse license, R.N. #340361, and her practical nurse license, P.N. #114937, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 19th day of March, 2010.

Motion adopted by majority vote of the Board members with Anne Barnett and J. Jane McFee abstaining.

## **MONITORING**

### **LIFTS OF SUSPENSION/PROBATION**

**Action:** It was moved by Delphenia Gilbert, seconded by Melissa Meyer, that the following, having met the terms and conditions of their consent agreement with the Board, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from their consent agreements or adjudication orders:

Ring, Seanna, N. R.N. 347262 (CASE #08-1778); Fields, Tina, A. R.N. 340756 (CASE #08-0039); Sharp, Brianna, R.N. 325109 (CASE #06-1920); Hollis, Iris, A. R.N. 346599 (CASE #07-3926); Cornett, Brandy, DT 02756 (CASE #08-0203); Heinberger, Judy, P.N. 129166 (CASE #07-1711); Schwarck, Stephanie, M. R.N. 346602 (CASE #08-1381); and Martin, Ronika, I. P.N. 130757 (CASE #08-0834).

Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

### **LIFTS OF SUSPENSION/PROBATION – EARLY RELEASE**

**Action:** It was moved by Melissa Meyer, seconded by Delphenia Gilbert, that the following, having met the terms and conditions of their consent agreement with the Board, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released early from their consent agreements or adjudication orders:

Speck, Valerie, C. R.N. 323699 (CASE #08-3392); Brenneman, Jonathan, D. P.N. 076412 (CASE #07-3311); Dickman, Kari, S. R.N. 345381 (CASE #08-2517); and Burgett, April, M. P.N. 101799 (CASE #03-2055).

Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

#### **LIFT OF NARCOTIC RESTRICTION**

**Action:** It was moved by Maryam Lyon, seconded by Judith Church, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from their narcotic restrictions within their respective consent agreements or adjudication orders:

Stevens, Karen, C. P.N. 107404 (CASE #04-3032); Shoup, Kerstin, R.N. 274488 (CASE #05-1865); Martinez, Patricia, A. R.N. 310787 (CASE #07-0421); and Lively, Amy, D. R.N. 292128 (CASE #06-3329).

Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

#### **MODIFICATION TO TEMPORARY PRACTICE RESTRICTION**

**Action:** It was moved by Tracy Ruegg, seconded by Melissa Meyer, that the Board, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, release Delap, Victoria, M. R.N. 299836 (CASE #06-0406), from the restriction to employment solely at Mt. Carmel East Hospital as Ms. Delap has met the minimum one (1) year requirement. Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

**Action:** It was moved by J. Jane McFee, seconded by Eric Yoon, that the Board, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, modify the temporary practice restriction to permit, Harris, Madonna, L. R.N. 354694 (CASE #09-2006), to work as a registered nurse for Capital Home Health, Inc. Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

#### **LIFT OF SUSPENSION/PROBATION – TEMPORARY PRACTICE RESTRICTION REMAINS**

**Action:** It was moved by Judith Church, seconded by Maryam Lyon, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, having met the terms and conditions of their consent agreements or adjudication orders, be released from the terms and conditions of their consent agreements or adjudication orders, with the exception to the temporary practice restriction(s) that will remain in effect.

Burd, Jessica, P.N. 132952 (CASE #08-1767); and Pegg, Michele, L. R.N. 346598 (CASE #08-2754).

Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

**LIFT OF SUSPENSION/PROBATION – PERMANENT PRACTICE RESTRICTION REMAINS**

**Action:** It was moved by J. Jane McFee, seconded by Eric Yoon, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, having met the terms and conditions of their consent agreements or adjudications orders, be released from the terms and conditions of their consent agreements or adjudication orders with the exception of the permanent practice restriction(s) that will remain in effect:

Sullivan, Jeanne, R.N. 205520 (CASE #06-0120); Pickens, David, F. R.N. 300983 (CASE #07-3326); Bishop, Dionna, T. P.N. 119270 (CASE #05-0967); Dennison, Deborah, L. P.N. 131981 (CASE #09-0465); and Kelley, Tammy, P.N. 102999 (CASE #04-1855).

Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

**LIFT OF SUSPENSION/PROBATION – EARLY RELEASE – PERMANENT PRACTICE RESTRICTION REMAINS**

**Action:** It was moved by Roberta Stokes, seconded by Eric Yoon, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, having met the terms and conditions of their consent agreements or adjudication orders, be released early from the terms and conditions of their consent agreements or adjudication orders, with the exception of the permanent practice restriction(s) that will remain in effect:

Clark, Sandra, E. R.N. 158718 (CASE #07-0675); and Lawson, Bambi, L. R.N. 280517 (CASE #07-1064).

Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

**MOTION TO ACCEPT SPECIFIC NURSING EMPLOYMENT PER CONSENT AGREEMENT**

**Action:** It was moved by Judith Church, seconded by Tracy Ruegg, that Abdullah, Aaliyah, R. P.N. 111304 (CASE #06-0587), with the recommendation by Anne Barnett, Supervising Member For Disciplinary Matters, having met the requirements contained within the consent agreement with the Board be approved to accept nursing employment at Harrison Pavilion. Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

**MOTION TO SEEK NURSING EMPLOYMENT PER CONSENT AGREEMENT**

**Action:** It was moved by J. Jane McFee, seconded by Judith Church, that Fafata, Doris, I. R.N. 266620 (CASE #07-2334), with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, having met the

requirements contained in the consent agreement with the Board be approved to seek nursing employment. Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

**REINSTATEMENT PER CONDITIONS OF CONSENT AGREEMENT OR ADJUDICATION ORDER**

**Action:** It was moved by Maryam Lyon, seconded by Judith Church, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, having met the terms and conditions of their Consent Agreements, be reinstated subject to the terms and conditions of their Consent Agreements:

Voth, Kristen, R. P.N. 101134 (CASE #09-2422); Claborn, Karen, M.I. R.N. 256945 (CASE #09-1935); Binegar, Kristine, L. P.N. 104551 (CASE #07-1092); Schneider, Wendy, S. P.N. 127128 (CASE #09-1783); Wesley, Linda, D. R.N. 273721, P.N. 093422 (CASE #08-3266); Beyl, Linda, M. P.N. 101162 (CASE #09-1746); Noori, Mozghan, R.N. 220354 (CASE #08-4333).

Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

**MOTION FOR APPROVAL OF EXTENSIVE ORIENTATION PER CONDITIONS OF ADJUDICATION ORDER**

**Action:** It was moved by Tracy Ruegg, seconded by Maryam Lyon, that Warner, Cynthia, K. R.N. 211328 (CASE #07-2468), with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, having met the requirements contained within her adjudication order, be approved to complete an extensive orientation at Centers for Dialysis Care. Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

**LIFT SUSPENSION/PROBATION – PERMANENT PRACTICE AND NARCOTIC RESTRICTIONS REMAIN**

**Action:** It was moved by Roberta Stokes, seconded by Eric Yoon, that Weisbrodt, Vicki, L. R.N. 240504 (CASE #05-2533), with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, having met the terms and conditions of the consent agreement or adjudication order with the Board be released from the terms and conditions of the consent agreement or adjudication order with the exception of the permanent practice and narcotic restriction(s) that will remain in effect. Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

**MOTION TO RETURN TO WORK AS A NURSE**

**Action:** It was moved by Maryam Lyon, seconded by Judith Church, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, having met the requirements contained within their consent agreements with the Board be approved to return to work as nurses

subject to the terms and conditions of probation that are contained within their consent agreements:

Damron, Madonna, L. P.N. 098987 (CASE #08-2309); and Frederick, Wendi, G. R.N. 285677 (CASE #07-3609).

Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

## **REPORTS TO THE BOARD**

### **Open Forum – Thursday, March 18 and Friday, March 19, 2010**

Brandy Cottrell, Program Administrator of Miami-Jacobs Career College Practical Nursing Program, and Elizabeth Collis, Esq., the program's legal representative, addressed the Board during Open Forum on Thursday, March 18 regarding the program's approval status. There were no participants for Open Forum on Friday, March 19.

## **Advisory Group Reports**

### **Nursing Education Advisory Group**

J. Church, Nursing Education Advisory Group Chair, reported that at the February 11 meeting, the group reviewed and discussed the Carnegie Report recommendations for nursing education. They scheduled a meeting April 29, 2010 for further discussion. Board staff asked about interest in having a state or regional seminar about the NCLEX examination and the Advisory Group expressed interest.

### **Continuing Education Advisory Group**

Delphenia Gilbert, Continuing Education (CE) Advisory Group Chair, reported that at the February 19 meeting, Laura Arkins, CEO of CE Caddy, presented information about their electronic tracking system for CE activities. She requested that the Board accept electronic transcripts and require that all nurses use their electronic tracking system. After discussion, the Advisory Group is not recommending the use of CE Caddy at this time. Use of such a system would create additional costs for nurses and CE providers. Pam Dickerson, a member of the Advisory Group, provided an update on national activities that are influencing CE. Rhoda Bates, a member of the Advisory Group, provided an update on the status of the Health Alliance as an OBN Approver. Due to organizational changes, R. Bates will no longer be the Health Alliance representative on the Advisory Group. Paula Garvey, a member of the Advisory Group published an article in the *Journal of Continuing Education in Nursing* entitled, "Creating a Paperless Documentation System for Nursing CE Activities."

At the January Board Meeting, the Board asked the Advisory Group to consider whether other mandatory CE courses should be required for nurses. The Advisory Group recommended that no other mandatory CE be required at this time. The Board agreed by general consensus.

#### **Dialysis Advisory Group**

Melissa Meyer, Dialysis Advisory Group Chair, reported that at the February 23 meeting, the group discussed the proposed changes for certification and IV therapy requirements related to dialysis. The Advisory Group also discussed the implementation of new processes to obtain pass rates for Ohio candidates taking the certification examination.

**Action:** It was moved by Maryam Lyon, seconded by Tracy Ruegg, that the Board appoint Julia Clavincenzo, RN, to the Advisory Group on Dialysis as the Ohio Hospital Association representative, to fill the vacant, unexpired term that will end in December 2010. Motion adopted by unanimous vote of the Board members.

#### **Other Reports**

##### **School Health Services Advisory Council**

Delphenia Gilbert reported that the Council is recommending that a Wellness Coordinator have three years of experience as a licensed school nurse prior to becoming a Wellness Coordinator. There is disagreement whether the qualifications for the position should be a bachelor's or master's degree. The final meeting of the Advisory Council is March 24, 2010.

##### **NCLEX Pass Rates – Education Programs**

L. Emrich stated that the Board reviews NCLEX pass rates of pre-licensure education programs' graduates each calendar year. She reviewed the regulatory requirements that pre-licensure education programs must meet.

A. Barnett asked about "direct entry" programs. L. Emrich explained that an individual with a non-nursing bachelor's degree could enter the program and graduate with a master's degree in nursing. E. Yoon noted that some programs grant a nursing doctorate (ND) and stated he believes nurses need more nursing experience before obtaining graduate degrees.

**Action:** It was moved by Eric Yoon, seconded by J. Jane McFee, that discussion on this topic be extended for 15 minutes. Motion adopted by unanimous vote of the Board members.

J. Jane McFee stated she believes that nursing experience is important prior to working in management positions. T. Ruegg stated she precepts students seeking a master's degree for advanced practice nursing and others who are direct entry students completing masters or doctorate

degrees. She finds performance generally depends upon the individual. J. Church stated that she has seen, in some cases, lengthy nursing experience does not necessarily mean nursing competency. She stated the challenge for the nursing profession is to view nursing differently and focus on critical thinking, assessment, and the nursing process. E. Yoon stated that physicians complete internships and he finds they do not believe nurses who have nursing doctorates have the same level of education. R. Stokes cited an author who supports PhD doctorates, but not the clinical doctorates, DNPs, due to the confusion it causes for the public and because the level of education is not the same.

L. Emrich stated that the Education Advisory Group would continue discussing these issues at their April meeting as they further review the Carnegie Report.

### **Nurse Education Grant Program 2009-2011 First Quarter Report**

L. Emrich reviewed the first quarter report and answered questions.

### **Practice Report**

L. Emrich stated that Board staff is recommending the Board develop a new Interpretive Guideline (IG) to address the role of registered nurses (RNs) in administering medications during emergent intubations. Staff respond to a number of inquiries regarding the ability of RNs to administer medications as a part of emergent intubation, usually within the emergency department. She presented a draft IG, recommended the draft be made available for public comment through eNews/Twitter, and comments and revisions would be reviewed with the Board. The Board agreed by general consensus.

L. Emrich stated that Board staff recommends the Board convene a Board Committee on Practice to collect practice information and comments concerning certain bariatric procedures, specifically gastric band-related procedures that may be performed by RNs. Several inquiries regarding the role of the nurse in the performance of gastric band adjustments have been received. Through a Practice Committee, the Board could gather input from health care practitioners engaged in this specialized practice, determine parameters of RN safe practice regarding these procedures, and develop an IG, if needed.

The Board agreed by general consensus to convene a Committee on Practice to review bariatric gastric band-related procedures. Eric Yoon (Chair), Anne Barnett, Judith Church, J. Jane McFee, and Roberta Stokes volunteered to serve on the Committee. The Committee will meet at noon on Thursday, May 20, 2010.

L. Emrich reported that in accordance with Board policy, the Board reviews its existing IGs at least every two years for relevance and necessary revisions. The Moderate Sedation IG is due for review. Board

staff will distribute the IG for public comment through eNews/Twitter. Comments and any proposed revisions will be reviewed with the Board. The Board agreed by general consensus.

Board members were provided the recently updated Joint Regulatory Statement Regarding the Use of Protocols to Initiate or Adjust Medications.

## **GENERAL INFORMATION (FYI)**

P. Protopapa reviewed the General Information items and asked if Board members had questions. E. Yoon reported that Christine Haenszel, Special Agent Supervisor, from the Health Care Fraud Section of the Attorney General's office contacted him to follow-up on his questions regarding Medicaid.

## **BOARD GOVERNANCE**

### **Financial Disclosure Statements**

Board members were reminded that Financial Disclosure Statements (FDS) are due to the Ohio Ethics Commission by April 15, 2010. Board members can either send their FDS to J. Kirk by April 5, 2010 and he will deliver them to the Ohio Ethics Commission, or Board Members may send them directly to the Ethics Commission by April 15, 2010.

### **Completion of Ethics Affiliation Forms**

Board members were asked to complete an Ethics Affiliation Form if there has been a change since the previous form was completed.

### **NCSBN Mid-Year Meeting**

Bertha Lovelace, Judith Church, Betsy Houchen, and Lisa Emrich attended the NCSBN Mid-Year Meeting. NCSBN covered the travel expenses. Topics discussed included the work on transition to practice, uniform licensure requirements, and continued competence. David Swankin, Executive Director of the Citizen Advocacy Council, spoke on accountability and transparency, and complimented the North Carolina and the Ohio Boards of Nursing regarding their alternative to discipline practice programs.

### **Mentors for New Board Members**

A. Barnett will serve as a mentor for M. Lyon; J. Church will be T. Ruegg's mentor; and E. Yoon will serve as R. Stokes' mentor.

### **Board Retreat**

The Board Retreat will be at the Drury Inn and Suites in Dublin, Ohio, April 12-13, 2010 from 9:00 a.m.- 3:00 p.m. each day. J. Kirk will make the arrangements and hotel reservations. M. Meyer stated that she will arrive the morning of April 12, and will obtain her materials at the hotel.

**Other Board Information**

J. Kirk informed the Board that a new reference folder is on their laptops and it contains updated travel expense forms, timesheets, and Board polices. The new Database Attestation Log is also included. The log, expense report and timesheet are to be completed by each Board member and turned in to J. Kirk at the end of every Board meeting. J. Kirk asked Tracy Ruegg how to best provide packet materials to her before each Board meeting. She stated she did not need to receive the packet early this time, but there may be more materials in future packets and she is unable to make arrangements to pick up the materials. J. Kirk offered to deliver packets to her either at work or her home.

B. Houchen informed the Board that Practice Consultant Jennifer Smallwood resigned to take a faculty position at a nursing education program and thanked J. Smallwood for her work at the Board.

**EVALUATION OF MEETING AND ADJOURNMENT**

The meeting adjourned on March 19 at 10:07 a.m.

Patricia Protopapa, LPN  
Vice-President



Attest:

Betsy Houchen, RN, MS, JD  
Executive Director

