



OHIO BOARD OF NURSING

MINUTES OF MEETING

REGULAR MEETING OF THE BOARD NOVEMBER 18-20, 2009

The regular meeting of the Ohio Board of Nursing (Board) was held on November 18-20, 2009 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 Wednesday, November 18 at 1:03 p.m., President Lisa Klenke convened a public hearing on the proposed amendments to certain Ohio Administrative Code rules. On Thursday, November 19, at 8:35 a.m., President Lisa Klenke called the Board meeting to order. On Friday, November 20 at 8:32 a.m., President Lisa Klenke called the Board meeting to order. Vice-President J. Jane McFee read the Board mission each day and L. Klenke recognized students, welcomed the gallery, and requested that Board Members introduce themselves.

BOARD MEMBERS

Lisa Klenke, RN, President
J. Jane McFee, LPN, Vice-President
Anne Barnett, RN, Board Supervising Member for Disciplinary Matters
Janet L. Boeckman, RN
Patricia Burns, LPN
Judith Church, RN
Kathleen Driscoll, RN
Delphenia Gilbert, RN
Bertha Lovelace, RN
Johnnie Maier, Consumer Member
Melissa Meyer, LPN
Patricia Protopapa, LPN
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 Wednesday, there was a noon meeting of the Board Committee on Advisory Group Appointments, a public hearing on administrative rules, and Board deliberations following the public hearing.

On Thursday, the Board Reception was held at 8:00 a.m. The meeting of the Board Committee on Advisory Group Appointments was continued at noon and Executive Session was held at 2:00 p.m. Open Forum was 10:00 a.m. on Thursday and Friday.

Minutes of September 24-25, 2009 Board Meeting

Action: It was moved by Janet Boeckman, seconded by Anne Barnett that the Board accept the minutes of the September 24-25, 2009 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:

- Rick Young was recognized for 10 years of state service.
- Two new education consultants will begin working with the Board on December 7, 2009.
- The Board raised \$9,919 for the 2009 Combined Charitable Campaign.
- The Board website re-imaging project is complete and the general appearance more closely conforms to the style used by other Ohio.Gov sites.
- Twitter is being used in conjunction with the eNews list service for time sensitive announcements and to notify subscribers when website content has been updated.
- Jim Puente from NCSBN visited the Board to study a single licensure state to help in his work with the Licensure Compact.
- Board staff communicated several options to NCSBN about how we can assist in conducting a nursing workforce survey and gathering Ohio data. NCSBN staff report that they are still in the planning stages, with a final decision on how they will implement the survey to be presented at the next NCSBN Board meeting in December.
- Lesleigh Robinson contacted several education programs to follow-up on licensing concerns and found the concerns were related to early summer when the Board experienced a near shutdown of the statewide eLicense system. Since that time, processing time has been restored to the targeted 35-business days timeframe or less. In addition, Board staff continue efforts to decrease processing time. For example, new procedures were implemented between the licensure and fiscal units that should further reduce the processing time by 5-7 business days.
- The new complaint form that includes the supplemental form for employers to report TERCAP information is on the Board's website. Approximately 50% of the complaints are now being submitted by e-mail and the majority of employers are completing the supplemental form.
- The total number of complaints received to date for calendar year 2009 is 5,259. Of these, 54% have been closed or resolved through Board action. The total number of complaints received to date in November 2008 was 3,528.

Legislative Status Report

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

- House Bill 314 would authorize registered nurses to determine and pronounce death, but maintains the requirement for a physician to sign the death certificate. Currently, only physicians in Ohio may pronounce death. However, a Medical Board rule, 4731-14-01, OAC, sets forth criteria for certain persons (including registered nurses) to be “competent observers” for purposes of assisting the physician in pronouncement of death when the physician is not available to personally examine the deceased.
- House Bill 215 was voted out of the House Health Committee. This bill would modify the law governing investigations and hearings conducted by the State Dental Board and the concern is that the changes may impact the ability to effectively protect the public. There are concerns that various provisions of the bill may be proposed for other licensing boards.
- House Bill 206, expansion of APNs prescribing Schedule II drugs, was amended to prohibit APNs from prescribing Schedule II drugs in “convenience care clinics.” The Substitute version of the bill incorporating the amendment was voted out of committee, but has not as yet been voted out of the House.
- House Bill 205, Circulating Nurses, has had numerous amendments including the removal of the requirement for a circulating nurse to supervise a surgical technician.
- House Bill 198 establishes a Patient Centered Medical Home Education Pilot Project and provides for scholarships to be awarded to medical students who agree to practice primary care. Ohio APNs are seeking to be included in the Pilot Project. Board staff are monitoring the bill.
- House Bill 62, Military Experience, requires that relevant education, training, or service completed in the armed services be considered for licensure or certification. T. Dilling distributed a handout detailing a proposed amendment that reflects current Board rules that nursing education programs may accept military training for advanced standing in the nursing education program.

T. Dilling answered questions about HB 267, Prescriptions; HB 65, Performance Budgeting; and SB 89, regarding prescriptive authority of out-of-state APNs. He also reported that Holly Fischer and he met with the Legislative Services Commission regarding the Board’s proposed legislation, but we have not yet received a draft of the bill. When we receive the draft, Board staff will meet with interested parties for further discussion.

Fiscal Report

Kathy King reported on the first quarter of fiscal year 2010. Eric Yoon noted the amount in the category for bank fees and asked if other vendors offer this service. K. King answered that the bank fees are state negotiated contracts so the Board cannot consider other vendors.

NEW BUSINESS

Administrative Rule Review

H. Fischer reviewed additional revisions based on the discussion at the September 2009 Board meeting. She also reviewed and discussed the comments received prior to and during the public hearing regarding the proposed revisions of the administrative rules.

Rule 4723-9-03

OAAPN expressed concerns regarding the proposed language for this rule and requested additional discussions with staff. Staff recommended that the rule be placed in “to be refiled” status with JCARR to allow time for additional discussions. The Board agreed by consensus with the recommendation.

Rule 4723-17-06

The Advisory Group on Continuing Education recommended revising Rule 4723-17-06 to eliminate that three venipunctures be performed as a requirement of the continuing education IV therapy course. The Board agreed by consensus to the recommendation.

Chapter 4723-16

The Board viewed a portion of a 1996 Board orientation video showing how the Board conducted hearings at that time. The video showed that a quorum (seven) of Board members were required to conduct a hearing, deliberate, and vote on disciplinary sanctions. H. Fischer explained that the current Board Hearing Committee is composed of three rather than seven Board members. She also noted that another difference now is that the full Board receives and reviews a Report and Recommendation, deliberates and votes prior to issuing an Order. Under the previous system, only the Board members conducting the hearing voted upon and issued an Order immediately following the hearing. With the current Board Hearing Committee the licensee or certificate holder has the opportunity to review and object to the information contained in the Report and Recommendation prior to a decision of the full Board.

Lisa Ferguson-Ramos stated that additional methods to conduct hearings were explored because many licensees and attorneys told her that they wanted to tell the Board “their story” and the Board Hearing Committee provides a means to allow this while being cost-effective and providing a method to resolve hearing cases in a timely manner.

H. Fischer reviewed the comments and testimony provided at the public hearing regarding Chapter 4723-16 and highlighted the following:

- Both speakers acknowledged that using a Board Hearing Committee is a legally authorized option.
- Rule 4723-16-13 does not create the Board Hearing Committee, rather the Board created the Hearing Committee at the May 2009 Board meeting by a motion of the Board. The proposed revisions for this rule clarify the processes and procedures for all hearings conducted regardless of whether the hearing is conducted by the Board Hearing Committee or a Hearing Officer. Since this is the basis of the revisions, the Rule Summary and Fiscal Analysis submitted to the Joint Committee on Agency Rule Review (JCARR) is complete and accurate.
- The process used by the Board Hearing Committee assures that the staff attorneys are drafting the Report and Recommendation based on the information provided by the Board Hearing Committee members, and are not making decisions regarding the cases. The three Board Hearing Committee members document their deliberations following a hearing using a worksheet to specify their findings and conclusions regarding the facts, evidence, and violation(s). H. Fischer distributed the worksheet form and noted it is the same form that was reviewed during the Board training.
- Christopher McNeil's article, "Perceptions of Fairness in State Administrative Hearings" was referenced in witness testimony to question the perception of fairness of the hearings conducted by the Board Hearing Committee. H. Fischer distributed a copy of the article and noted the article is not about hearings held by a Board or Board Committee, but rather discusses perceptions of fairness when Hearing Officers are employed by or contract with agencies. Further, H. Fischer reported that when a Board Hearing Committee was being considered, she discussed the concept with Christopher McNeil, because he is a recognized expert in Ohio administrative law matters, and reviewed the proposal with him. Mr. McNeil responded that a Board Hearing Committee is "a good idea."
- During the hearing testimony, concerns were expressed that Board members on the Board Hearing Committee would be rotated and chosen based on the cases scheduled for hearing. H. Fischer stated that this was not the practice, but to clarify the selection of Board Hearing Committee members, staff recommended adding language to paragraph (C) of Rule 4723-16-13 so the rule specifies that the Board Hearing Committee members would be chosen by the Board to serve for "a term of one year." The Board agreed by general consensus.
- During the hearing testimony, concerns were expressed that Board members would feel compelled to agree with the recommendations of the three Board Hearing Committee members. J. Boeckman noted that Board members frequently voice disagreement during discussions regarding discipline and Board members stated they do not hesitate to disagree and

voice dissenting opinions, as noted by their voting patterns. However, due to the perception that it is unfair for the Board Hearing Committee members to deliberate and vote on cases which have come before them, Board staff recommended specifying in Rule 4723-16-13 that the members of the Board Hearing Committee would abstain from voting on cases that had come before them. The Board agreed by general consensus.

The members of the Board Hearing Committee shared their opinions about the Board Hearing Committee that held hearings on August 19 and October 14, 2009. J. McFee stated three to six hearings were scheduled each day and it was a means to resolve cases rather than nurses remaining in practice while they waited for a hearing to be scheduled. J. Maier stated that he agrees with using the Board Hearing Committee and does not believe there is a violation of the rights of licensees; further, many of them do not appear for the scheduled hearings. L. Klenke stated that the Board does not want to promote the perception of unfairness, however, the Board has an obligation to determine methods to effectively and efficiently address disciplinary cases. The cases continue to increase, but the budget and staffing remains constant. Therefore, the Board must find approaches to improve efficiency while allowing licensees to exercise their right to a hearing. She stated that no Board member wants to compromise the integrity of the Board, but the Board needs to examine innovative approaches to manage the cases that come to the Board. Change comes with a degree of uncertainty and anticipatory concerns, and the Board is mindful that this is such a change. When ideas are generated to improve processes, the Board wants to hear all sides of the issue and make an informed decision to fulfill the mission of public protection. B. Lovelace, the alternate to the Committee, stated that she observed the Board Hearing Committee and believes there is nothing illegal about conducting hearings in this manner and the Board has an obligation to deal with the increasing number of cases.

J. Church expressed appreciation that the Board listens to all views and considers all opinions presented. She commended staff for considering the different opinions, researching and considering options, and providing the information for the Board to consider during the decision making process. The Board agreed by consensus to continue the Board Hearing Committee and stated they believe that with the rule revisions discussed and agreed upon at this meeting, the Board has addressed the perception of unfairness.

Action: It was moved by Melissa Meyer, seconded J. Jane McFee, that the Board adopt the proposed revisions and re-file Ohio Administrative Code rules 4723-17-06 and 4723-16-13. It was further moved that the Board place Rule 4723-9-03, OAC, in a "To Be Re-filed" status with the Joint Committee on Agency Rule Review. Motion adopted by unanimous vote of the Board members.

Annual Report

The Board asked that additional information regarding the magnitude of the problems encountered with the State eLicense system this year be included, and that the summary provided in the July Executive Director Report be added, as an attachment to the Annual Report.

Action: It was moved by Janet Boeckman, seconded by Johnnie Maier, that discussion on this topic be extended for fifteen minutes. Motion adopted by unanimous vote of the Board members.

Action: It was moved by Janet Boeckman, seconded by J. Jane McFee, that the Board approve the Annual Report as amended. Motion adopted by unanimous vote of the Board members.

APPROVALS

Nursing Education – Determination of Approval Status

RETS School of Nursing, Associate Degree Program

Action: It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board place RETS School of Nursing Associate Degree Program on provisional approval, in accordance with Rule 4723-5-04, OAC, and Section 4723.06 (A)(7), ORC, for a period of 24 months effective November 19, 2009, after fully considering the survey visit report and the response to the report which demonstrated the program failed to meet and maintain the requirements established in Rules 4723-5-09 (A)(B) and (C)(3); 4723-5-10 (A)(3); 4723-5-13 (F)(8); 4723-5-15 (B) and (C); and 4723-5-20 (B), OAC. It was further moved that the program submit progress reports to the Board on or before July 19, 2010 and June 20, 2011. Motion adopted by majority vote of the Board members with Judi Church, Delphenia Gilbert and Patricia Burns abstaining.

Ursuline College, The Breen School of Nursing

Action: It was moved by Bertha Lovelace, seconded by Patricia Burns, that the Board grant full approval in accordance with Rule 4723-5-04, OAC, to Ursuline College, The Breen School of Nursing for a period of five years effective November 19, 2009. Motion adopted by unanimous vote of the Board members.

Trinity Health System School of Nursing

Action: It was moved by Judith Church, seconded by Delphenia Gilbert, that the Board grant full approval in accordance with Rule 4723-5-04, OAC, to Trinity Health System School of Nursing for a period of five years effective November 19, 2009. Motion adopted by unanimous vote of the Board members.

University of Toledo, Associate of Applied Science in Nursing Program

Action: It was moved by J. Jane McFee, seconded by Patricia Burns, that the Board grant full approval in accordance with Rule 4723-5-04, OAC, to the University of Toledo Associate of Applied Science in Nursing Program for a

period of five years effective November 19, 2009. Motion adopted by unanimous vote of the Board members.

Nancy J. Knight School of Nursing Practical Nursing Program

Action: It was moved by Anne Barnett, seconded by Judith Church, that the Board grant full approval in accordance with rule 4723-5-04, OAC, to the Nancy J. Knight School of Nursing Practical Nursing Program for a period of five years effective November 19, 2009. It was further moved that the program submit a follow up progress report to the Board on or before June 15, 2010. Motion adopted by unanimous vote of the Board members.

Dialysis Training Programs

Mid-America Dialysis Technician Training Program

Action: It was moved by Janet Boeckman, seconded by Patricia Protopapa, that the Board re-approve Mid-America Dialysis Technician Training Program in accordance with rule 4723-23-07, OAC, for a period of two years effective November 19, 2009. Motion adopted by unanimous vote of the Board members.

Miami Valley Dialysis Technician Training Program

Action: It was moved by Patricia Protopapa, seconded by Janet Boeckman, that the Board approve Miami Valley Dialysis Technician Training Program in accordance with rule 4723-23-07, OAC, for a period of two years effective November 19, 2009. Motion adopted by unanimous vote of the Board members.

Community Health Worker Training Program

Cincinnati State Technical and Community College Community Health Worker Training Program

Action: It was moved by Janet Boeckman, seconded by Patricia Protopapa, that the Board re-approve Cincinnati State Technical and Community College Community Health Worker Training Program in accordance with Rule 4723-26-14, OAC, for a period of two years effective November 19, 2009. Motion adopted by unanimous vote of the Board members.

OBN Approvers for Continuing Education

Ohio Nurses Association

Action: It was moved by Anne Barnett, seconded by Patricia Burns, that the Board reapprove the Ohio Nurses Association, OBN-001-91, as an approver of continuing education through November 30, 2014 in accordance with Rule 4723-14-10, OAC. Motion adopted by unanimous vote of the Board members.

Ohio Department of Mental Health

Action: It was moved by Judith Church, seconded by Bertha Lovelace, that the Board reapprove the Ohio Department of Mental Health, OBN-003-92, as an approver of continuing education through November 30, 2014 in accordance with

Rule 4723-14-10, OAC. Motion adopted by unanimous vote of the Board members.

Health Alliance

Action: It was moved by Janet Boeckman, seconded by Patty Protopapa, that the Board reapprove Health Alliance, OBN-007-92, as an approver of continuing education through November 30, 2014 in accordance with Rule 4723-14-10, OAC. Motion adopted by unanimous vote of the Board members.

Ohio Department of Developmental Disabilities

Action: It was moved by Melissa Meyer, seconded by Kathleen Driscoll, that the Board reapprove the Ohio Department of Developmental Disabilities, OBN-010-93, as an approver of continuing education through November 30, 2014 in accordance with Rule 4723-14-10, OAC. Motion adopted by unanimous vote of the Board members.

Retroactive Approvals for Licensees and Certificate Holders

Action: It was moved by Kathleen Driscoll, seconded by J. Jane McFee, that the Board retroactively ratify, as submitted, the licenses and certificates initially issued by the Board of Nursing September 1, 2009 through October 31, 2009 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), community health workers, Ohio certified dialysis technicians and medication aide certificates, taking into account those licenses and certificates subject to discipline, surrender or non-renewal. Motion adopted by unanimous vote of the Board members.

National Certifying Organizations for APNs

Action: It was moved by Delphenia Gilbert, seconded by Judith Church, that the Board approve, for 2010, the following national certifying organizations for certified nurse practitioners, certified nurse-midwives, certified registered nurse anesthetists, and clinical nurse specialists seeking a certificate of authority to practice in Ohio in accordance with Section 4723.46(A), ORC: American Academy of Nurse Practitioners Certification Program; American Association of Critical-Care Nurses Certification Corporation; American Midwifery Certification Board; American Nurses Credentialing Center; National Board For Certification of Hospice & Palliative Nurses; National Board on Certification and Recertification of Nurse Anesthetists; National Certification Corporation For the Obstetric, Gynecologic & Neonatal Nursing Specialties; Oncology Nursing Certification Corporation; and Pediatric Nursing Certification Board, Incorporated. Motion adopted by unanimous vote of the Board members.

National Certifying Organizations for Dialysis Technicians

Action: It was moved by Janet Boeckman, seconded by Patricia Protopapa, that the Board approve, for 2010, the following national certifying organizations as dialysis technician testing organizations in accordance with Rule 4723-23-10 (A), OAC: The Board of Nephrology Examiners Nursing and Technology; and The

National Nephrology Certification Organization. Motion adopted by unanimous vote of the Board members.

Request for Change of Start Date

Southwestern College Practical Nursing Program

Action: It was moved by J. Jane McFee, seconded by Patricia Burns, that the Board approve the change in implementation date for Southwestern College Practical Nursing Program from November 16, 2009 to April 5, 2010. Motion adopted by unanimous vote of the Board members.

American Institute of Alternative Medicine Practical Nursing Program

Action: It was moved by Melissa Meyer, seconded by Kathleen Driscoll, that the Board approve the change in implementation date for American Institute of Alternative Medicine Practical Nursing Program from November 30, 2009 to March 3, 2010. Motion adopted by unanimous vote of the Board members.

Executive Session

On Thursday November 19, 2009:

Action: It was moved by J. Jane McFee that the Board go into Executive Session to discuss pending or imminent court action with legal counsel, and to consider the appointment, employment, or compensation of a public employee. Following Executive Session, the Board went into executive Session.

ADJUDICATION AND COMPLIANCE

Board Actions

On Friday, November 20, 2009, President Klenke 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, November 20, 2009, the Board considered the following proposed Notices of Opportunity for Hearing that were reviewed by Board members:

Action: It was moved by Bertha Lovelace, seconded by J. Jane McFee, that the Board issue a Notice of Opportunity for Hearing for violations of Chapter 4723. ORC for the following case(s):

Bryant, Janet, L. R.N. 213986 (CASE #09-4328); Critchfield, Eileen, K. R.N. 340395 (CASE #08-3012); Barlage, Cindy, L. R.N. 231325, COA 10234, RX 10234 (CASE #09-3031); Filiaggi, Kathleen, R.N. 277298 (CASE #09-4431); Dabbelt, Beth, A. R.N. 314248 (CASE #09-1267); Graham, Amber, R. R.N. 307800 (CASE #08-3858); Harp, Megan, R. P.N. 120558 (CASE #09-0697); Marshall, Jennifer, J. R.N. 231527 (CASE #08-2391); McGinnis, Susan, E. R.N. 178471 (CASE #09-3893); Mills, Cassandra, E. P.N. 112527 (CASE #09-1352); Mokry, Leslie, E. R.N. 199390 (CASE #09-1933); OBrien, Erin, E. R.N. 324539 (CASE #09-4466); Irwin, Nicole, E. P.N. 106149 (CASE #09-2729); Schmidt,

Jennifer, A. R.N. 330135 (CASE #09-4914); Wagner, Debra, L. R.N. 259145 (CASE #09-4776); Morris, Valarie, S. R.N. 247383 (CASE #09-2537); Beauchamp, Amy, L. R.N. 333010 (CASE #09-0899); Brown, Divon, P.N. NCLEX (CASE #09-2901); Clark, Tonya, L. P.N. 103898 (CASE #09-3308); Foreman, Dotsie, R. P.N. 106228 (CASE #08-2424); Johnson, Angela, M. R.N. NCLEX (CASE #09-4477); Lindamood, Lou, A. R.N. 173516 (CASE #07-2931); Lengefeld, Linda, S. R.N. NCLEX (CASE #09-3954); O'Black, Angela, M. R.N. 240150 (CASE #09-2743); Peterson, Brenda, M. R.N. 137909 (CASE #09-4560); Stallard, Sheridan, J. R.N. 216629 (CASE #09-4363); Shook, Dana, L. R.N. 239049 (CASE #09-0159); Tompkins, Richard, D. R.N. 279681, COA 08078, RX 08078 (CASE #09-4520); Thomas, Simone, C. R.N. 322175, P.N. 106593 (CASE #09-5091); Williams, Cristina, J. R.N. 349882 (CASE #09-3085); Yelton, Evelyn, C. P.N. 121951 (CASE #09-4790); Gittinger, Amy, S. P.N. 123378 (CASE #09-1460); Stevens, Ryan, D. R.N. 340361, P.N. 114937 (CASE #09-2610); Copeland, Leslie, A. R.N. 299888, COA 06863 (CASE #09-0510); Zuchegno, Lesli, A. R.N. 259467 (CASE #09-4881); Phillips, Deborah, G. P.N. 093648 (CASE #07-0940); Lovelace, Demetrius, J. D.T. applicant (CASE #08-3777); McMillen, Tiffany, B. R.N. 327323 (CASE #09-0847); James, Blenda, J R.N. 106873 (CASE #09-4369); Costello, Joanna, L. R.N. 319295 (CASE #08-2688); Fraley, Anne, R.N. 279835 (CASE #09-1530); and Green, Marga, M. P.N. 113040 (CASE #09-0093).

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

Complete copies of the Notices of Opportunity for Hearing shall be maintained in the exhibit book for the November 2009 Board meeting.

WITHDRAWAL OF NOTICE OF OPPORTUNITY FOR HEARING

Action: It was moved by J. Jane McFee, seconded by Janet Boeckman, that the Board withdraw the Notice of Opportunity for Hearing that issued by the Board on march 17, 2008 for Graham, Amber, R. R.N. 307800 (CASE #07-2299). On September 30, 2009, the Board issued a Notice of Immediate Suspension and the Board issued a Notice of Opportunity for Hearing for Ms. Graham at this meeting. Motion adopted by majority vote of the Board members with Anne Barnett and Patricia Protopapa abstaining.

IMMEDIATE SUSPENSIONS AND NOTICE FOR OPPORTUNITY

Action: It was moved by Eric Yoon, seconded by Bertha Lovelace, that the Board issue a Notice of Immediate Suspension and Opportunity for Hearing for violations of Chapter 4723. ORC for the following case(s):

Showell, Stephanie, A. R.N. 303364 (CASE #09-2489); Nicoloff, Amy, M. R.N. 268155 (CASE #08-1037); Gast, Gregory, J. R.N. 208593, COA 09399, RX 09399 (CASE #09-0424); Harding, Angela, J. R.N. 269487 (CASE #08-3642); Rinkus, Sharon, L. R.N. 215911 (CASE #09-4834); Towell, Deborah, A. P.N.

050375 (CASE #09-4912); Jackson, Cynthia, I. P.N. 105920 (CASE #09-5804); Janecko, Thomas, J. P.N. 081457 (CASE #09-1517); Kendell, Jennie, S. P.N. 115765 (CASE #09-0767); Mabrey, Rose, M. P.N. 094340 (CASE #09-6014); Kerns, Marcie, L. R.N. 255278 (CASE #09-0945); Fowkes, Thomas, L. R.N. 323602 (CASE #09-1787); Jones, Jason, R. R.N. 286771 (CASE #09-3657); Stevens, Gregory, J. R.N. 264895 (CASE #09-3133); Michael, Monika, R. P.N. 109796 (CASE #09-1169); Hite, Rosemary, P.N. 130791 (CASE #09-2028); Lahm, Patricia, S. P.N. 123946 (CASE #09-0029); Booth-Lance, Susan, R.N. 161122 (CASE #09-2566); Hendren, Jaimie, P.N. 109848 (CASE #09-3838); Brody, Dennis, M. P.N. 114045 (CASE #09-5255); and Henry, Maureen, S. P.N. 123815 (CASE #09-2780).

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

Complete copies of the Immediate Suspensions and Notices of Opportunity for Hearing shall be maintained in the exhibit book for the November 2009 Board meeting.

WITHDRAWAL OF NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

Action: It was moved by J. Jane McFee, seconded by Janet Boeckman, that the Board withdraw the Notice of Immediate Suspension and Opportunity for Hearing that was issued by the Board on January 26, 2009 for Phillips, Deborah, G. P.N. 093648 (CASE #07-0940b). The Board issued a Notice of Opportunity for Hearing for Ms. Phillips at this Board meeting. Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

AUTOMATIC SUSPENSIONS AND NOTICE FOR OPPORTUNITY

Action: It was moved by Patricia Burns, seconded by Kathleen Driscoll, that the Board issue a Notice of Automatic Suspension and Opportunity for Hearing for violations of Chapter 4723. ORC for the following case(s):

Williams, Lynda, S. R.N. 176380 (CASE #09-3845); Lozier, Carolyn, K. P.N. 101760 (CASE #09-4697); Thompson, Ashford, L. P.N. 120964 (CASE #09-1435); Ramey, Erkka, S. P.N. 121430 (CASE #09-3750); Klein, Mary, R. R.N. 249257 (CASE #09-4517); King, Richard, W. P.N. 134771 (CASE #09-5885); Pemberton, Tina, L. P.N. 101445 (CASE #09-6028); Evans, Sheryl, A. P.N. 110047 (CASE #09-4540); Cabell, Walter, E. P.N. 083735 (CASE #09-4788); Beggs, Linda, S. R.N. 152581 (CASE #09-5875); and Wagner, Justin, P. R.N. 319925 (CASE #09-4969).

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

Complete copies of the Automatic Suspensions and Notices of Opportunity for Hearing shall be maintained in the exhibit book for the November 2009 Board meeting.

SURRENDERS

Permanent Voluntary Surrender

Action: It was moved by Janet Boeckman, seconded by Patricia Protopapa, that the Board accept the Permanent Voluntary Surrender of License for the following case(s):

Cobb (Burnett), Brandie, N P.N. 116142 (CASE #09-3262); Smith, Rosemary, S. R.N. 142123, COA 05186, NA 05186 (CASE #08-4483); Drummond, Tabatha, S. P.N. 101588 (CASE #09-2649); Tri State Medical, Academy, (CASE #09-5799); Kelly, Cynthia, R.N. 332377 (CASE #07-1647); Hutchinson, Jeromy, S. R.N. 326123 (CASE #09-5793); and Antonoff, Lizabeth, R.N. 186175 (CASE #09-4047).

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

Complete copies of the Permanent Voluntary Surrenders shall be maintained in the exhibit book for the November 2009 Board meeting.

Voluntary Non-Permanent Withdrawal of Examination Application

Action: It was moved by Janet Boeckman, seconded by Patricia Protopapa, that the Board accept the Voluntary Non-Permanent Withdrawal of Application for Licensure by Examination for the following case(s):

Galloway, Becca, K. R.N. NCLEX (CASE #09-3957) and Keys, Jaciya, C. P.N. NCLEX (CASE #09-1495).

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

Complete copies of the Voluntary Non-Permanent Withdrawal of Examination Application shall be maintained in the exhibit book for the November 2009 Board meeting.

VOLUNTARY RETIREMENTS

Action: It was moved by Delphenia Gilbert, seconded by Judith Church, that the board accept the permanent voluntary retirement from the practice of nursing for the following case(s):

Baughman, James, C. R.N. 315003 (CASE #07-2193).

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

CONSENT AGREEMENTS

On Friday, November 20, 2009, 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 Janet Boeckman, that the Board approve the consent agreements for violations of Chapter 4723. ORC entered into by and between the Board and the following cases:

Fritz, Jill, E. R.N. endorse (CASE #09-2508); Compher, Melissa, A. P.N. 132954 (CASE #09-1836); McKinney, Elizabeth, S. P.N. 129162 (CASE #08-3712); Fox, Frederick, D. R.N. 278713 (CASE #09-3175); Fields, Melissa, L. R.N. 287661 (CASE #07-0736); Stevens, Juanita, L. R.N. 271492 (CASE #07-2340); Hayden, Jessica, E. R.N. 300314 (CASE #09-3076); Mboob, Fatou, D. R.N. NCLEX, P.N. 098216 (CASE #09-4804); Potochnik, Jeanette, L. P.N. 109163 (CASE #06-2171); Testa, David, J. R.N. 254128 (CASE #09-3865); Dearth, Tiffany, L. R.N. 302432 (CASE #08-2272); Gartrell, Pamela, J. R.N. 264501 (CASE #09-2844); Evans, Vickie, L. R.N. 135363 (CASE #07-0641); Schirtzinger, Emily, J. P.N. 129659 (CASE #08-3113); Geer, Talena, R. P.N. NCLEX (CASE #09-0821); Johnson, Rita, L. R.N. 257912 (CASE #06-2682); Stumbaugh, Timothy, L. P.N. 111604 (CASE #06-1896); Brodt, Treva, L. R.N. 187304 (CASE #09-0483); Volters, Charlene, E. P.N. 072176 (CASE #06-2161); Schneider, Wendy, S. P.N. 127128 (CASE #09-1783); Maunz, Amy, L. D.T. 02193 (CASE #09-1367); Martin, Janeese, R. P.N. 117584 (CASE #06-2530); Seifert, Laura, M. R.N. 346033 (CASE #09-4373); Moline, Martie, A R.N. 245527 (CASE #09-4824); Short, Lisa, L. P.N. NCLEX (CASE #09-3802); Ednie, Eileen, R. R.N. 140090 (CASE #09-3484); Amburgy, Michelle, L. R.N. NCLEX (CASE #09-3952); Finley, Barry, F. R.N. NCLEX (CASE #09-2515); Howard, Dwight, D. P.N. 094141 (CASE #09-4541); Jones, Vickie, L. R.N. 158987 (CASE #06-0745); Orr, Kathy, A. R.N. 285786 (CASE #06-2771); Ramsey, Melanie, D. R.N. 228295, COA 11127, RX 11127 (CASE #09-4075); Young, Sherdina, R.N. 154818 (CASE #06-3513); Brown, Jaimie, J. R.N. 280013 (CASE #09-4311); Martin, Mona, R. R.N. 202243 (CASE #09-4544); Perry, Amy, J. P.N. 089905 (CASE #04-1288); Jacob, Susheela, R.N. 224468 (CASE #08-2932); Hitchcock, Lynne, A. R.N. 193188 (CASE #07-0891); Turner, Barbara, A. R.N. 231059 (CASE #98-0553); Kroeger, Lisa, M. R.N. NCLEX (CASE #09-4492); Guardi, Krista, M. R.N. 304647 (CASE #09-4465); Sacks, Andrea, L. R.N. NCLEX (CASE #09-4017); Budrovic, Jeffrey, J. R.N. NCLEX (CASE #09-4135); Garrett, Aretha, E. R.N. 214304 (CASE #09-1125); Flood, Thomas, J. R.N. 345846, P.N. 124229 (CASE #07-2337); Dalgleish, Kelly, J. R.N. 167754 (CASE #09-1139); Caldwell, Terry, R.N. 186452 (CASE #07-2727); Jackson, Kristine, M. R.N. 324164 (CASE #08-4527); Wesley, Linda, D. R.N. 273721 (CASE #08-3266); Piper, Cheryl, F R.N. 137114 (CASE #08-3276); Larson, Lindsay, P.N. 117251 (CASE #08-1566); Faulkner, Amy, L. R.N. 330939 (CASE #09-0437); Wright, Alicia, N. R.N. NCLEX, P.N. 130376

(CASE #09-3426); Barre, Melissa, J. R.N. 337791 (CASE #08-1456); Burgemeir, Dora, N. R.N. 295393 (CASE #09-0686); Frollini, Paula, G. R.N. 246323 (CASE #09-4338); Stadin, Christina, M. R.N. NCLEX (CASE #09-2822); Krueger, Ryan, D. P.N. NCLEX (CASE #09-0554); Reed, Ronni, S. P.N. 108122 (CASE #09-1587); Davis, Sharon, K. P.N. 096427 (CASE #08-1580); Turner, Herbert, L. R.N. endorse (CASE #09-3680); Lockhart, Lisa, A. R.N. 322819 (CASE #09-3176); Fritz, Lynda, S. R.N. 168764 (CASE #09-2372); Jervis, Shirley, A. P.N. 049867 (CASE #08-3969); Miller, Charles, A. R.N. 250251 (CASE #09-4546); Zahler, Stephanie, M. P.N. 096411 (CASE #09-3033); Kakias, Charla, M. P.N. 081226 (CASE #08-3742); Masiglat, Maria, L. G. R.N. 314391 (CASE #09-1525); Rauch, Douglas, A. R.N. 267679 (CASE #09-0353); Denlinger, Erika, L. R.N. NCLEX (CASE #09-3717); Williams, Kimberly, A. P.N. 094945 (CASE #08-0060); Wisner, Kourtnie, A. P.N. NCLEX (CASE #09-4502); Weaver, Monica, J. P.N. 105784 (CASE #09-0667); Wesley, Deron, B. P.N. 093368 (CASE #08-2934); Dunn, Brandi, L. R.N. NCLEX (CASE #09-3958); Clarkson, Jill, E. P.N. NCLEX (CASE #09-3227); Watkins, Rebecca, P. P.N. NCLEX (CASE #09-4885); Digman, Amy, K. P.N. NCLEX (CASE #09-3959); Linehan, Matthew, J. R.N. NCLEX (CASE #09-3819); Pawlikowski, Mallory, A. R.N. NCLEX (CASE #09-4497); Genter, Mary, A. P.N. NCLEX (CASE #09-3974); Wurts, Heather, L. P.N. 108933 (CASE #09-4694); Umphries, Eddie, L. R.N. NCLEX (CASE #09-3153); Brewer, Maureen, R.N. 215965 (CASE #09-4789); Sidile, Florence, S. R.N. 130070 (CASE #09-5006); Vilc, Angela, L. P.N. 091171 (CASE #09-4787); Sanzen (Lee), Jessica, L. R.N. 315813 (CASE #09-5873); Hempker, Darcy, A. R.N. 233710 (CASE #09-5007); Leskovac, John, M. R.N. 281961, NA 07151 (CASE #08-0120); Solsky, Patricia, E. R.N. 115221 (CASE #09-5853); Hartley, Kathleen, M. A. R.N. 213729 (CASE #08-2290); Moton, Chasity, J. R.N. NCLEX (CASE #09-2832); Dunn, Scott, D. R.N. 312369 (CASE #08-3555); Hammons, Patricia, L. P.N. 103114 (CASE #08-1234); Koundourakis, Stavros, I. R.N. 287083 (CASE #08-1848); Shelko, Fred, P. R.N. NCLEX (CASE #09-5931); Devlin, Thomas, J. R.N. endorse (CASE #09-3563); Alley, Lisa, M. P.N. 111133 (CASE #09-5869); Knepper, Heather, R.N. 277536 (CASE #08-3645); Doherty, Leia, A. R.N. 319991 (CASE #09-0097); Burwinkel, Holly, I. R.N. 208433 (CASE #07-3726); Kratko, Meghan, C. R.N. 292091 (CASE #09-5874); Kilcorse, Penny, M. R.N. 258766 (CASE #08-0619); Donaldson, Cheryl, E. R.N. 253256 (CASE #09-0788); Bujakowski, Raven, R.N. 302818 (CASE #08-1823); Lecrone-Adams, Gayle, A. P.N. 110592 (CASE #09-0852); Spangler, Kristi, A. P.N. 094776 (CASE #08-3257); Spencer, Jodi, L. R.N. 280230 (CASE #09-5836); Anderson, Kara, D. P.N. NCLEX (CASE #09-4405); FENT, SARAH, E. P.N. NCLEX (CASE #09-2067); Bloor, Marcella, M. R.N. 233532 (CASE #09-0026); and Ragland, Christina, A. P.N. NCLEX (CASE #09-2457).

Anne Barnett abstained from voting on all cases. Janet Boeckman abstained on the following cases only: Amburgy, Michelle, L. R.N. NCLEX (CASE #09-3952); Brown, Jaimie, J. R.N. 280013 (CASE #09-4311); and Pawlikowski, Mallory, A. R.N. NCLEX (CASE #09-4497). Delphenia Gilbert abstained on the following cases only: Fent, Sarah, E. P.N. NCLEX (CASE #09-2067); Bloor, Marcella, M. R.N. 233532 (CASE #09-0026); and Ragland, Christina, A. P.N. NCLEX (CASE

#09-2457). Bertha Lovelace abstained on Potochnik, Jeanette, L. P.N. 109163 (CASE #06-2171) only. Patricia Protopapa abstained on Leskovac, John, M. R.N. 281961, NA 07151 (CASE #08-0120) only. Patricia Burns voted no on the following cases only: Volters, Charlene, E. P.N. 072176 (CASE #06-2161); Ramsey, Melanie, D. R.N. 228295, COA 11127, RX 11127 (CASE #09-4075); Brown, Jaimie, J. R.N. 280013 (CASE #09-4311); Garrett, Aretha, E. R.N. 214304 (CASE #09-1125); Reed, Ronni, S. P.N. 108122 (CASE #09-1587); Davis, Sharon, K. P.N. 096427 (CASE #08-1580); and Jervis, Shirley, A. P.N. 049867 (CASE #08-3969). Judith Church voted no on the following cases only: Volters, Charlene, E. P.N. 072176 (CASE #06-2161); Garrett, Aretha, E. R.N. 214304 (CASE #09-1125); Flood, Thomas, J. R.N. 345846, P.N. 124229 (CASE #07-2337); Caldwell, Terry, R.N. 186452 (CASE #07-2727); Jackson, Kristine, M. R.N. 324164 (CASE #08-4527); Jervis, Shirley, A. P.N. 049867 (CASE #08-3969); Miller, Charles, A. R.N. 250251 (CASE #09-4546); Dunn, Scott, D. R.N. 312369 (CASE #08-3555); Doherty, Leia, A R.N. 319991 (CASE #09-0097); and Donaldson, Cheryl, E. R.N. 253256 (CASE #09-0788). Kathleen Driscoll voted no on Garrett, Aretha, E. R.N. 214304 (CASE #09-1125) only. J. Jane McFee voted no on the following cases only: Caldwell, Terry, R.N. 186452 (CASE #07-2727); Leskovac, John, M. R.N. 281961, NA 07151 (CASE #08-0120); and Ragland, Christina, A. P.N. NCLEX (CASE #09-2457). Melissa Meyer voted no on the following cases only: Garrett, Aretha, E. R.N. 214304 (CASE #09-1125); and Flood, Thomas, J. R.N. 345846, P.N. 124229 (CASE #07-2337).

Johnnie Maier Jr. and Eric Yoon wanted it entered into the record that they are concerned with the number of applicants who have consent agreements before they have a license.

Motion adopted by majority vote of the Board.

Complete copies of the Consent Agreements shall be maintained in the exhibit book for the November 2009 Board meeting.

DEFAULT ORDERS

Schmidt, Darrel, P.N. 121781 (Case #08-3584)

Action: It was moved J. Jane McFee, seconded by Janet Boeckman, that in the matter of Darrel Schmidt, the Board find that **MR. SCHMIDT** 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 his 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 **MR. SCHMIDT** has failed to submit to an examination when directed, and that the

failure was not due to circumstances beyond his control. Section 4723.28(B)(16) 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 **MR. SCHMIDT** has admitted the truth of the allegations set forth in the May 11, 2009 Examination Order issued to **MR. SCHMIDT** and that **MR. SCHMIDT** is impaired. The Board ORDERS that **MR. SCHMIDT's** license to practice nursing as a licensed practical 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. **MR. SCHMIDT** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. SCHMIDT** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **MR. SCHMIDT** shall, at his own expense, obtain a psychiatric evaluation from Levine, Risen and Associates, 23230 Chagrin Blvd., Suite 350, Beachwood, Ohio 44122 (Examiner) and shall provide the Board with complete documentation of the evaluation. The evaluation shall specifically address **MR. SCHMIDT's** ability to maintain professional boundaries with patients and his ability to function in a clinical capacity. Prior to the evaluation, **MR. SCHMIDT** shall provide the Examiner with a copy of the this Order, the May 11, 2009 Examination Order and all public documents concerning **MR. SCHMIDT**, 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 **MR. SCHMIDT's** practice. The Examiner shall provide an opinion to the Board regarding whether **MR. SCHMIDT** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
4. **MR. SCHMIDT** 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 4., above. If the Board and **MR. SCHMIDT** 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 MR. SCHMIDT

5. **MR. SCHMIDT** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
6. **MR. SCHMIDT** 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. SCHMIDT** 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. SCHMIDT** 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. **MR. SCHMIDT** 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. **MR. SCHMIDT** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MR. SCHMIDT** 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, **MR. SCHMIDT** is hereby informed that **MR. SCHMIDT** is entitled to a hearing on this matter. If **MR. SCHMIDT** 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.

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

Should **MR. SCHMIDT** 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 at hearing@hursing.ohio.gov.

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 20th day of November, 2009.

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

HEARING EXAMINER REPORT AND RECOMMENDATION

Hacker, Cindy R.N. 285268, P.N. 102031 (Case #08-4611)

Action: It was moved by Melissa Meyer, seconded by Kathleen Driscoll, that in the matter of Cindy Hacker, the Board accept all of the Findings of Fact, Conclusions of Law, and the Recommendation in the Hearing Examiner's Report and Recommendation.

Upon this Report and Recommendation and upon the approval and confirmation by vote of the Board on the above date, the following ORDER is hereby entered on the Journal of the Ohio Board of Nursing for the above date.

The Ohio Board of Nursing hereby ORDERS that:

CINDY S. CLEMENTE HACKER's license to practice nursing as a registered nurse in the State of Ohio is hereby **PERMANENTLY REVOKED**.

The Board further Orders **CINDY S. CLEMENTE HACKER** to surrender her licensed registered nurse license, R.N. #285268, 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 20th day of November, 2009.

Motion adopted by a majority vote of the Board members with Anne Barnett, Delphenia Gilbert, Johnnie Maier, Bertha Lovelace and Patricia Protopapa abstaining.

BOARD HEARING COMMITTEE REPORT AND RECOMMENDATION

Hallbom, Janine, E. P.N. 095108 (CASE #05-2038)

Action: It was moved by Kathleen Driscoll, seconded by Patricia Burns, that in the matter of Janine E. Hallbom, the board accept all of the Findings of Fact and Conclusions of the Board Hearing Committee, and the Recommendation in the Board Hearing Committee's Report and Recommendation.

Upon this Report and Recommendation and upon the approval and confirmation by vote of the Board on the above date, the following ORDER is hereby entered on the Journal of the Ohio Board of Nursing for the above date.

The Ohio Board of Nursing hereby ORDERS that:

JANINE E. HALLBOM's license to practice nursing as a licensed practical nurse in the State of Ohio is hereby **PERMANENTLY REVOKED**.

The Board further Orders **JANINE E. HALLBOM** to surrender her licensed practical nurse license, P.N. #095108, 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 20th day of November, 2009.

Motion adopted by a majority vote of the Board members with Anne Barnett, Delphenia Gilbert, Lisa Klenke, Johnnie Maier, J. Jane McFee, Bertha Lovelace and Patricia Protopapa abstaining.

Thigpen, Karen, J. P.N. 114795 (CASE #07-1083)

Action: It was moved by Melissa Meyer, seconded by Kathleen Driscoll, that in the matter of Karen J. Thigpen, the Board accept all of the Findings of Fact, Conclusions of the Board Hearing Committee, and the Recommendation in the Board Hearing Committee's Report and Recommendation and ORDERED that **KAREN J. THIGPEN's** license to practice nursing as a licensed practical nurse in the State of Ohio is hereby suspended for an indefinite period of time with the conditions for reinstatement set forth below, and that following reinstatement, **MS. THIGPEN** shall be subject to probationary terms, conditions, and limitations 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. THIGPEN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. THIGPEN** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

Monitoring

3. **MS. THIGPEN** 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. THIGPEN's** history. **MS. THIGPEN** shall self-administer the prescribed drugs only in the manner prescribed.

4. **MS. THIGPEN** shall abstain completely from the use of alcohol.
5. Prior to seeking reinstatement by the Board, **MS. THIGPEN** 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. THIGPEN** shall provide the chemical dependency professional with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. THIGPEN** 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. THIGPEN's** license, and a statement as to whether **MS. THIGPEN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MS. THIGPEN** 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. THIGPEN's** license.
7. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. THIGPEN** 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. THIGPEN'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. THIGPEN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. THIGPEN's** history.
8. Within thirty (30) days prior to **MS. THIGPEN** initiating drug screening, **MS. THIGPEN** 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. THIGPEN**.

9. After initiating drug screening, **MS. THIGPEN** 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. THIGPEN** 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. THIGPEN** 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. THIGPEN** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

Reporting Requirements of MS. THIGPEN

11. **MS. THIGPEN** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
12. **MS. THIGPEN** 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. THIGPEN** 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. THIGPEN** 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. THIGPEN** 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. THIGPEN** shall verify that the reports and documentation required by this Order are received in the Board office.
17. **MS. THIGPEN** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
18. **MS. THIGPEN** shall submit to a BCI criminal records check.

DURATION

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

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

1. **MS. THIGPEN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. THIGPEN** 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. THIGPEN** shall notify the Board.
4. **MS. THIGPEN** 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. THIGPEN** 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. THIGPEN** 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. THIGPEN

5. **MS. THIGPEN** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
6. **MS. THIGPEN** 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. THIGPEN** 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. THIGPEN** 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. THIGPEN** 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. THIGPEN** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MS. THIGPEN** 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. THIGPEN** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

Temporary Narcotic Restriction

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

Temporary Practice Restrictions

MS. THIGPEN 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. THIGPEN** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

MS. THIGPEN 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. THIGPEN's suspension shall be lifted and MS. THIGPEN's license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. THIGPEN** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. THIGPEN** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. THIGPEN** 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. THIGPEN** has complied with all aspects of this Order; and (2) the Board determines that **MS. THIGPEN** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. THIGPEN** and review of the reports as required herein. Any period during which **MS. THIGPEN** 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 20th day of November, 2009.

Motion adopted by a majority vote of the Board members with Anne Barnett, Lisa Klenke, Johnnie Maier, J. Jane McFee, Bertha Lovelace and Patricia Protopapa abstaining.

James, Venus, E. D.T. 01762 (CASE #07-2167)

Action: It was moved by Judith Church, seconded by Janet Boeckman, that in the matter of James E. Venus, the Board accept all of the Findings of Fact and Conclusions of the Board Hearing Committee, and the Recommendation in the Board Hearing Committee's Report and Recommendation.

Upon this Report and Recommendation and upon the approval and confirmation by vote of the Board on the above date, the following ORDER is hereby entered on the Journal of the Ohio Board of Nursing for the above date.

The Ohio Board of Nursing hereby ORDERS that:

VENUS E. JAMES's certificate to practice as a dialysis technician in the State of Ohio is hereby **PERMANENTLY REVOKED**.

The Board further Orders **VENUS E. JAMES** to surrender her dialysis technician certificate, D.T. 01762, 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 20th day of November, 2009.

Motion adopted by a majority vote of the Board members with Anne Barnett, Lisa Klenke, Johnnie Maier, J. Jane McFee, Bertha Lovelace and Patricia Protopapa abstaining.

NO REQUEST FOR HEARING

Fallis, Cindy, L. P.N. 106103 (CASE #09-2487)

Action: It was moved by Melissa Meyer, seconded by Patricia Burns, that upon consideration of the charges stated against **CINDY LEE FALLIS** in the May 26, 2009 Notice of Immediate Suspension and Opportunity for Hearing, and the July 24, 2009 Notice of Opportunity for Hearing (“the Notices”), and evidence supporting the charges, the Board finds that **MS. FALLIS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notices, and the Ohio Board of Nursing ORDERS that **MS. FALLIS’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, **MS. FALLIS** 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 TEMPORARY PRACTICE and TEMPORARY NARCOTIC RESTRICTIONS set forth below.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

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

Monitoring

3. **MS. FALLIS** 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. FALLIS’s** history. **MS. FALLIS** shall self-administer the prescribed drugs only in the manner prescribed.
4. **MS. FALLIS** shall abstain completely from the use of alcohol.
5. Prior to seeking reinstatement by the Board, **MS. FALLIS** 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. FALLIS** shall provide the chemical dependency professional with a copy of this Order and the Notices. Further, **MS. FALLIS** 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. FALLIS's** license, and a statement as to whether **MS. FALLIS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MS. FALLIS** 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. FALLIS's** license.
 7. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. FALLIS** 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. FALLIS'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. FALLIS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. FALLIS's** history.
 8. Within thirty (30) days prior to **MS. FALLIS** initiating drug screening, **MS. FALLIS** 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. FALLIS**.
 9. After initiating drug screening, **MS. FALLIS** 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. FALLIS** 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. FALLIS** 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. FALLIS** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
11. Prior to seeking reinstatement by the Board, **MS. FALLIS** 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. FALLIS** shall provide the psychiatrist with a copy of this Order and the Notices 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. FALLIS's** license, and a statement as to whether **MS. FALLIS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
12. **MS. FALLIS** 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. FALLIS's** license.

Reporting Requirements of MS. FALLIS

13. **MS. FALLIS** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
14. **MS. FALLIS** 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. FALLIS** 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. FALLIS** 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. FALLIS** 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. FALLIS** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. FALLIS** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
20. **MS. FALLIS** shall submit to a BCI criminal records check.

DURATION

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

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

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

Monitoring

3. **MS. FALLIS** 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. FALLIS's** history. **MS. FALLIS** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. FALLIS** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. FALLIS** 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. FALLIS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. FALLIS's** history.

6. **MS. FALLIS** 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. FALLIS** 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. FALLIS** 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. FALLIS** 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. FALLIS** 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. FALLIS** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. FALLIS** 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. FALLIS** shall notify the Board.
11. **MS. FALLIS** 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. FALLIS** shall provide her employer(s) with a copy of this Order and the Notices 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 the Notices, including the date they were received. Further, **MS. FALLIS** is under a continuing duty to provide a copy of this Order and the Notices to any new employer prior to accepting employment.

Reporting Requirements of MS. FALLIS

12. **MS. FALLIS** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. FALLIS** 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. FALLIS** 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. FALLIS** 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. FALLIS** 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. FALLIS** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. FALLIS** 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. FALLIS** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

Temporary Narcotic Restriction

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

Temporary Practice Restrictions

MS. FALLIS 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. FALLIS** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

MS. FALLIS 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. FALLIS's suspension shall be lifted and MS. FALLIS's license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. FALLIS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. FALLIS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. FALLIS** 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. FALLIS** has complied with all aspects of this Order; and (2) the Board determines that **MS. FALLIS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. FALLIS** and review of the reports as required herein. Any period during which **MS. FALLIS** 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 **CINDY LEE FALLIS** to surrender her licensed practical nurse license, P.N. #106103, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Wottle, Jane, M. P.N. endorse (CASE #08-2838)

Action: It was moved by Kathleen Driscoll, seconded by Patricia Burns, that upon consideration of the charges stated against **JANE WOTTLE** in the July 24, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. WOTTLE** 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. WOTTLE'S** application for licensure by endorsement to practice nursing as a licensed practical 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Price, Amy, N. R.N. 337735 (CASE #09-1094)

Action: It was moved by Patricia Burns, seconded Kathleen Driscoll, that upon consideration of the charges stated against **AMY PRICE** in the July 24, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. PRICE** 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. PRICE's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. PRICE** 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 TEMPORARY PRACTICE and TEMPORARY NARCOTIC RESTRICTIONS set forth below.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

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

Monitoring

3. **MS. PRICE** 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. PRICE's** history. **MS. PRICE** shall self-administer the prescribed drugs only in the manner prescribed.

4. **MS. PRICE** shall abstain completely from the use of alcohol.
5. Prior to seeking reinstatement by the Board, **MS. PRICE** 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. PRICE** shall provide the chemical dependency professional with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. PRICE** 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. PRICE's** license, and a statement as to whether **MS. PRICE** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MS. PRICE** 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. PRICE's** license.
7. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. PRICE** 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. PRICE'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. PRICE** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. PRICE's** history.
8. Within thirty (30) days prior to **MS. PRICE** initiating drug screening, **MS. PRICE** 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. PRICE**.
9. After initiating drug screening, **MS. PRICE** 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. PRICE** 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. PRICE** 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. PRICE** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
 11. Prior to requesting reinstatement by the Board, **MS. PRICE** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. PRICE's** fitness for duty and safety to practice nursing as a licensed practical nurse. This Board approved physician shall provide the Board with complete documentation of **MS. PRICE's** comprehensive physical examination and with a comprehensive assessment regarding **MS. PRICE's** fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MS. PRICE** shall provide the Board approved physician with a copy of this Order and the Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. PRICE** shall execute releases to permit the Board approved physician performing the comprehensive physical examination and assessment to obtain any information deemed appropriate and necessary for the assessment. The evaluating physician 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. PRICE's** license to practice, and stating whether **MS. PRICE** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
 12. The Board may utilize the Board approved physician's recommendations and conclusions from the comprehensive physician examination and assessment as a basis for additional terms, conditions, and limitations on **MS. PRICE's** license.

Reporting Requirements of MS. PRICE

13. **MS. PRICE** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
14. **MS. PRICE** 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. PRICE** 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. PRICE** 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. PRICE** 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. PRICE** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. PRICE** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
20. **MS. PRICE** shall submit to a BCI criminal records check.

DURATION

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

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

1. **MS. PRICE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. PRICE** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MS. PRICE** shall with all requirements of her court order in Greene County Court of Common Pleas Case Number 2009 CR 0153 and shall submit satisfactory documentation of completion.

Monitoring

4. **MS. PRICE** 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. PRICE's** history. **MS. PRICE** shall self-administer prescribed drugs only in the manner prescribed.

5. **MS. PRICE** shall abstain completely from the use of alcohol.
6. During the probationary period, **MS. PRICE** 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. PRICE** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. PRICE's** history.
7. **MS. PRICE** 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. PRICE** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

Treating Practitioners and Reporting

8. Within sixty (60) days of the execution of the probationary period, **MS. PRICE** 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. PRICE** 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.
9. **MS. PRICE** 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. PRICE** throughout the duration of this Order.
10. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. PRICE** shall notify the Board of any and all medication(s) or prescription(s) received.

Employment Conditions

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

12. **MS. PRICE** 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. PRICE** 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. PRICE** 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. PRICE

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

14. **MS. PRICE** 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. PRICE** 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. PRICE** 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. PRICE** 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.

18. **MS. PRICE** shall verify that the reports and documentation required by this Order are received in the Board office.

19. **MS. PRICE** 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.

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

Temporary Narcotic Restriction

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

Temporary Practice Restrictions

MS. PRICE 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. PRICE** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

MS. PRICE 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. PRICE's suspension shall be lifted and MS. PRICE's license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. PRICE** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. PRICE** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. PRICE** 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. PRICE** has complied with all aspects of this Order; and (2) the Board determines that **MS. PRICE** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. PRICE** and review of the reports as required herein. Any period during which **MS. PRICE** 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 **AMY PRICE** to surrender her registered nurse license, R.N. #337735, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Donathan, Kyla, R. P.N. 119238 (CASE #09-0168)

Action: It was moved by Janet Boeckman, seconded by J. Jane McFee, that upon consideration of the charges stated against **KYLA RENEE DONATHAN** in the July 24, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. DONATHAN** 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. DONATHAN'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, **MS. DONATHAN** 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 PERMANENT PRACTICE RESTRICTIONS.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

1. **MS. DONATHAN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. DONATHAN** 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. DONATHAN** 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, ten (10) hours of Professional Boundaries, ten (10) hours of Professionalism, and ten (10) hours of Critical Thinking.

Monitoring

4. Prior to seeking reinstatement by the Board, **MS. DONATHAN** 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. DONATHAN** 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. DONATHAN's** license, and a statement as to whether **MS. DONATHAN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

5. **MS. DONATHAN** 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. DONATHAN's** license.

Reporting Requirements of MS. DONATHAN

6. **MS. DONATHAN** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
7. **MS. DONATHAN** 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. DONATHAN** 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. DONATHAN** 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. DONATHAN** 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. DONATHAN** shall verify that the reports and documentation required by this Order are received in the Board office.
12. **MS. DONATHAN** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
13. **MS. DONATHAN** shall submit to a BCI criminal records check.

DURATION

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

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

1. **MS. DONATHAN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. DONATHAN** 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. DONATHAN** shall notify the Board.
4. **MS. DONATHAN** 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. DONATHAN** 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. DONATHAN** 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. DONATHAN

5. **MS. DONATHAN** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
6. **MS. DONATHAN** 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. DONATHAN** 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. DONATHAN** 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. DONATHAN** 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. DONATHAN** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MS. DONATHAN** 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. DONATHAN** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

Permanent Practice Restriction

MS. DONATHAN 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. DONATHAN** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

MS. DONATHAN 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. DONATHAN shall not function in a nursing position, which would require **MS. DONATHAN** 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. DONATHAN's suspension shall be lifted and MS.

DONATHAN's license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. DONATHAN** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. DONATHAN** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. DONATHAN** 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. DONATHAN** has complied with all aspects of this Order; and (2) the Board determines that **MS. DONATHAN** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. DONATHAN** and review of the reports as required herein. Any period during which **MS. DONATHAN** 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 **KYLA RENEE DONATHAN** to surrender her licensed practical nurse license, P.N. #119238, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Magner, Rose, M. P.N. 106198 (CASE #09-2244)

Action: It was moved by Judith Church, seconded by Janet Boeckman, that upon consideration of the charges stated against **ROSE MARIE MAGNER** in the July 24, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. MAGNER** 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. MAGNER'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED.**

The Board further Orders **ROSE MARIE MAGNER** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #106198, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Bulloch, Mary, L. P.N. 091161 (CASE #07-2858)

Action: It was moved by Melissa Meyer, seconded by Kathleen Driscoll, that upon consideration of the charges stated against **MARY LEE BULLOCH** in the July 24, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. BULLOCH** 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. BULLOCH'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, **MS. BULLOCH** 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 PERMANENT PRACTICE and PERMANENT NARCOTIC RESTRICTIONS.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

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

Monitoring

3. **MS. BULLOCH** 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. BULLOCH's** history. **MS. BULLOCH** shall self-administer the prescribed drugs only in the manner prescribed.
4. **MS. BULLOCH** shall abstain completely from the use of alcohol.
5. Prior to seeking reinstatement by the Board, **MS. BULLOCH** 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. BULLOCH** shall provide the chemical dependency professional with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. BULLOCH** 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. BULLOCH's** license, and a statement as to whether **MS. BULLOCH** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MS. BULLOCH** 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. BULLOCH's** license.
 7. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. BULLOCH** 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. BULLOCH'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. BULLOCH** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. BULLOCH's** history.
 8. Within thirty (30) days prior to **MS. BULLOCH** initiating drug screening, **MS. BULLOCH** 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. BULLOCH**.
 9. After initiating drug screening, **MS. BULLOCH** 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. BULLOCH** 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. BULLOCH** 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. BULLOCH** shall provide satisfactory documentation of such attendance to the Board

prior to reinstatement.

11. Prior to seeking reinstatement by the Board, **MS. BULLOCH** 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. BULLOCH** 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. BULLOCH's** license, and a statement as to whether **MS. BULLOCH** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
12. **MS. BULLOCH** 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. BULLOCH's** license.
13. Prior to requesting reinstatement by the Board, **MS. BULLOCH** shall, at her expense, obtain a comprehensive physical examination by a Board approved pain management specialist for purposes of evaluating **MS. BULLOCH's** fitness for duty and safety to practice nursing as a licensed practical nurse. The Board approved specialist shall provide the Board with complete documentation of **MS. BULLOCH's** comprehensive physical examination and with a comprehensive assessment regarding **MS. BULLOCH's** fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MS. BULLOCH** shall provide the Board approved specialist with a copy of this Order and the Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. BULLOCH** shall execute releases to permit the Board approved specialist to obtain any information deemed appropriate and necessary for the assessment. The Board approved specialist 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. BULLOCH's** license, and stating whether **MS. BULLOCH** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
14. The Board may utilize the Board approved specialist's recommendations and conclusions from the comprehensive physical examination and assessment as a basis for additional terms, conditions, and limitations on **MS. BULLOCH's** license.

Reporting Requirements of MS. BULLOCH

1. **MS. BULLOCH** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
2. **MS. BULLOCH** 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.
3. **MS. BULLOCH** 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.
4. **MS. BULLOCH** 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.
5. **MS. BULLOCH** 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.
6. **MS. BULLOCH** shall verify that the reports and documentation required by this Order are received in the Board office.
7. **MS. BULLOCH** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
8. **MS. BULLOCH** shall submit to a BCI criminal records check.

DURATION

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

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

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

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

Monitoring

3. **MS. BULLOCH** 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. BULLOCH's** history. **MS. BULLOCH** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. BULLOCH** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. BULLOCH** 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. BULLOCH** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. BULLOCH's** history.
6. **MS. BULLOCH** 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. BULLOCH** 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. BULLOCH** 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. BULLOCH** 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. BULLOCH** 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. BULLOCH** throughout the duration of this Order.

9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. BULLOCH** 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. BULLOCH** shall notify the Board.
11. **MS. BULLOCH** 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. BULLOCH** 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. BULLOCH** 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.
12. Prior to working as a nurse, **MS. BULLOCH** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

Reporting Requirements of MS. BULLOCH

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

18. **MS. BULLOCH** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. BULLOCH** 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.
20. Prior to working as a nurse, **MS. BULLOCH** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

Permanent Narcotic Restriction

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

Permanent Practice Restrictions

MS. BULLOCH 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. BULLOCH** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

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

Upon receipt of this notice, **MS. BULLOCH** 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. BULLOCH** has complied with all aspects of this Order; and (2) the Board determines that **MS. BULLOCH** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. BULLOCH** and review of the reports as required herein. Any period during which **MS. BULLOCH** 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 **MARY LEE BULLOCH** to surrender her licensed practical nurse license, P.N. #091161, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Pennington, Elizabeth, E. P.N. 059092 (CASE #09-2540)

Action: It was moved by Kathleen Driscoll, seconded by Patricia Burns, that upon consideration of the charges stated against **ELIZABETH E. PENNINGTON** in the July 24, 2009 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. PENNINGTON** 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 **MS. PENNINGTON'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, **MS. PENNINGTON** 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. PENNINGTON** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. PENNINGTON** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

Monitoring

3. **MS. PENNINGTON** 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. PENNINGTON's** history. **MS. PENNINGTON** shall self-administer the prescribed drugs only in the manner prescribed.
4. **MS. PENNINGTON** shall abstain completely from the use of alcohol.
5. Prior to seeking reinstatement by the Board, **MS. PENNINGTON** 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. PENNINGTON** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. PENNINGTON** 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. PENNINGTON's** license, and a statement as to whether **MS. PENNINGTON** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MS. PENNINGTON** 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. PENNINGTON's** license.
7. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MS. PENNINGTON** 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. PENNINGTON'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. PENNINGTON** shall be negative, except for substances prescribed,

administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. PENNINGTON's** history.

8. Within thirty (30) days prior to **MS. PENNINGTON** initiating drug screening, **MS. PENNINGTON** 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. PENNINGTON**.
9. After initiating drug screening, **MS. PENNINGTON** 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. PENNINGTON** 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. PENNINGTON** 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. PENNINGTON** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
11. Prior to seeking reinstatement by the Board, **MS. PENNINGTON** 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. PENNINGTON** shall provide the psychiatrist with a copy of this Order and Notice of Automatic 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. PENNINGTON's** license, and a statement as to whether **MS. PENNINGTON** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
12. **MS. PENNINGTON** 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. PENNINGTON's** license.

Reporting Requirements of MS. PENNINGTON

13. **MS. PENNINGTON** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
14. **MS. PENNINGTON** 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. PENNINGTON** 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. PENNINGTON** 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. PENNINGTON** 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. PENNINGTON** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. PENNINGTON** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
20. **MS. PENNINGTON** shall submit to a BCI criminal records check.

DURATION

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

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

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

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

Monitoring

3. **MS. PENNINGTON** 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. PENNINGTON's** history. **MS. PENNINGTON** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. PENNINGTON** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. PENNINGTON** 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. PENNINGTON** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. PENNINGTON's** history.
6. **MS. PENNINGTON** 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. PENNINGTON** 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. PENNINGTON** 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. PENNINGTON** 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. PENNINGTON** 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. PENNINGTON** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical

treatment, **MS. PENNINGTON** 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. PENNINGTON** shall notify the Board.
11. **MS. PENNINGTON** 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. PENNINGTON** shall provide her employer(s) with a copy of this Order and Notice of Automatic 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 Automatic Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. PENNINGTON** 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 MS. PENNINGTON

12. **MS. PENNINGTON** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. PENNINGTON** 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. PENNINGTON** 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. PENNINGTON** 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. PENNINGTON** 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. PENNINGTON** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. PENNINGTON** 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. PENNINGTON** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

Temporary Narcotic Restriction

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

Temporary Practice Restrictions

MS. PENNINGTON 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. PENNINGTON** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

MS. PENNINGTON 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. PENNINGTON's suspension shall be lifted and MS. PENNINGTON's license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. PENNINGTON** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. PENNINGTON** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. PENNINGTON** 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. PENNINGTON** has complied with all aspects of this Order; and (2) the Board determines that **MS. PENNINGTON** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. PENNINGTON** and review of the reports as required herein. Any period during which **MS. PENNINGTON** 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 **ELIZABETH E. PENNINGTON** to surrender her licensed practical nurse license, L.P.N. #059092, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Card, Sinthia, B. P.N. 126056, TC 2 02924, TC 1 02924 (CASE #09-2731)

Action: It was moved by Patricia Burns, seconded by J. Jane McFee, that upon consideration of the charges stated against **SINTHIA CARD** in the July 24, 2009 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. CARD** 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. The Ohio Board of Nursing ORDERS that **MS. CARD'S** license to practice nursing as a licensed practical nurse and temporary certificates to practice as a dialysis technician are hereby **PERMANENTLY REVOKED**.

The Board further Orders **SINTHIA CARD** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #126056, and temporary certificates, TC2. #02924 and TC1. #02924, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Leatherman, Christine A. R.N. 228575 (CASE #08-0377)

Action: It was moved by Janet Boeckman, seconded by Delphenia Gilbert, that upon consideration of the charges stated against **CHRISTINE ANNE LEATHERMAN** in the January 16, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. LEATHERMAN** 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. LEATHERMAN'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. LEATHERMAN** 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 PERMANENT PRACTICE and TEMPORARY NARCOTIC RESTRICTIONS set forth below.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

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

Monitoring

3. **MS. LEATHERMAN** 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. LEATHERMAN's** history. **MS. LEATHERMAN** shall self-administer the prescribed drugs only in the manner prescribed.
4. **MS. LEATHERMAN** shall abstain completely from the use of alcohol.
5. Prior to seeking reinstatement by the Board, **MS. LEATHERMAN** 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. LEATHERMAN** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. LEATHERMAN** 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. LEATHERMAN's** license, and a statement as to whether **MS. LEATHERMAN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

6. **MS. LEATHERMAN** 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. LEATHERMAN's** license.
7. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. LEATHERMAN** 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. LEATHERMAN'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. LEATHERMAN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. LEATHERMAN's** history.
8. Within thirty (30) days prior to **MS. LEATHERMAN** initiating drug screening, **MS. LEATHERMAN** 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. LEATHERMAN**.
9. After initiating drug screening, **MS. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

Reporting Requirements of MS. LEATHERMAN

11. **MS. LEATHERMAN** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
12. **MS. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** shall verify that the reports and documentation required by this Order are received in the Board office.
17. **MS. LEATHERMAN** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
18. **MS. LEATHERMAN** shall submit to a BCI criminal records check.

DURATION

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

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

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

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

Monitoring

3. **MS. LEATHERMAN** 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. LEATHERMAN's** history. **MS. LEATHERMAN** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. LEATHERMAN** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. LEATHERMAN** 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. LEATHERMAN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. LEATHERMAN's** history.
6. **MS. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** throughout the duration of this Order.

9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. LEATHERMAN** 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. LEATHERMAN** shall notify the Board.
11. **MS. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN

12. **MS. LEATHERMAN** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** 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. LEATHERMAN** shall verify that the reports and documentation required by this Order are received in the Board office.

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

Temporary Narcotic Restriction

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

Permanent Practice Restrictions

Unless otherwise approved in advance by the Board, MS. LEATHERMAN 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. LEATHERMAN** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

Unless otherwise approved in advance by the Board, MS. LEATHERMAN 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. LEATHERMAN's suspension shall be lifted and MS. LEATHERMAN's license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. LEATHERMAN** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. LEATHERMAN** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. LEATHERMAN** 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. LEATHERMAN** has complied with all aspects of this Order; and (2) the Board determines that **MS. LEATHERMAN** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. LEATHERMAN** and review of the reports as required herein. Any period during which **MS. LEATHERMAN** 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 **CHRISTINE ANNE LEATHERMAN** to surrender her registered nurse license, R.N. #228575, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Butler, David, A. R.N. 233627 (CASE #09-1375)

Action: It was moved by Judith Church, seconded by Janet Boeckman, that upon consideration of the charges stated against **DAVID ADAM BUTLER** in the July 24, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. BUTLER** 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. BUTLER's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MR. BUTLER** 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 TEMPORARY PRACTICE and TEMPORARY NARCOTIC RESTRICTIONS set forth below.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

1. **MR. BUTLER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. BUTLER** 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. BUTLER** 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: six (6) hours of Documentation and six (6) hours of Medication Administration.

Monitoring

4. **MR. BUTLER** 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. BUTLER's** history. **MR. BUTLER** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MR. BUTLER** shall abstain completely from the use of alcohol.
6. Prior to seeking reinstatement by the Board, **MR. BUTLER** 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. BUTLER** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MR. BUTLER** 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. BUTLER's** license, and a statement as to whether **MR. BUTLER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MR. BUTLER** 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. BUTLER's** license.
8. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MR. BUTLER** 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. BUTLER'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. BUTLER** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. BUTLER's** history.
9. Within thirty (30) days prior to **MR. BUTLER** initiating drug screening, **MR. BUTLER** 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. BUTLER**.
 10. After initiating drug screening, **MR. BUTLER** 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. BUTLER** 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, **MR. BUTLER** 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. BUTLER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
 12. Prior to seeking reinstatement by the Board, **MR. BUTLER** shall, at his 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, **MR. BUTLER** 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 **MR. BUTLER's** license, and a statement as to whether **MR. BUTLER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
 13. **MR. BUTLER** 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 **MR. BUTLER's** license.

Reporting Requirements of MR. BUTLER

14. **MR. BUTLER** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
15. **MR. BUTLER** 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.
16. **MR. BUTLER** 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. **MR. BUTLER** 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. **MR. BUTLER** 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. **MR. BUTLER** shall verify that the reports and documentation required by this Order are received in the Board office.
20. **MR. BUTLER** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
21. **MR. BUTLER** shall submit to a BCI criminal records check.

DURATION

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

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

1. **MR. BUTLER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. BUTLER** shall appear in person for interviews before the full Board or

its designated representative as requested by the Board.

Monitoring

3. **MR. BUTLER** 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. BUTLER's** history. **MR. BUTLER** shall self-administer prescribed drugs only in the manner prescribed.

4. **MR. BUTLER** shall abstain completely from the use of alcohol.
5. During the probationary period, **MR. BUTLER** 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. BUTLER** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. BUTLER's** history.
6. **MR. BUTLER** 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. BUTLER** 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. BUTLER** 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. BUTLER** 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. BUTLER** 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. BUTLER** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical

treatment, **MR. BUTLER** 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. BUTLER** shall notify the Board.
11. **MR. BUTLER** 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. BUTLER** 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. BUTLER** 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. BUTLER

12. **MR. BUTLER** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MR. BUTLER** 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. BUTLER** 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. BUTLER** 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. BUTLER** 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. BUTLER** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MR. BUTLER** 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, **MR. BUTLER** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

Temporary Narcotic Restriction

MR. BUTLER shall not administer, have access to, or possess (except as prescribed for **MR. BUTLER's** use by another so authorized by law who has full knowledge of **MR. BUTLER's** history) any narcotics, other controlled substances, or mood altering drugs for a minimum period of **three (3) years** in which **MR. BUTLER** is working in a position that requires a nursing license. At any time after the three (3) year period previously described, **MR. BUTLER** may submit a written request to the Board to have this restriction re-evaluated. In addition, **MR. BUTLER** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MR. BUTLER** shall not call in or order prescriptions or prescription refills.

Temporary Practice Restrictions

MR. BUTLER 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 **MR. BUTLER** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

MR. BUTLER 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. BUTLER's suspension shall be lifted and MR. BUTLER's license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MR. BUTLER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MR. BUTLER** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. BUTLER** 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. BUTLER** has complied with all aspects of this Order; and (2) the Board determines that **MR. BUTLER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MR. BUTLER** and review of the reports as required herein. Any period during which **MR. BUTLER** 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 **DAVID ADAM BUTLER** to surrender his registered nurse license, R.N. #233627, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Delphenia Gilbert, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Penwell, Loretta, M. P.N. 080367 (CASE #09-1120)

Action: It was moved by Melissa Meyer, seconded by Kathleen Driscoll, that upon consideration of the charges stated against **LORETTA MAE PENWELL** in the July 24, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. PENWELL** 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. PENWELL'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. PENWELL** 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 PERMANENT PRACTICE RESTRICTIONS set forth below.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

1. **MS. PENWELL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. PENWELL** 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. PENWELL** 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 and ten (10) hours of

Professionalism.

Reporting Requirements of MS. PENWELL

4. **MS. PENWELL** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
5. **MS. PENWELL** 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. PENWELL** 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. PENWELL** 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. PENWELL** 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. PENWELL** shall verify that the reports and documentation required by this Order are received in the Board office.
10. **MS. PENWELL** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
11. **MS. PENWELL** shall submit to a BCI criminal records check.

DURATION

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

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

1. **MS. PENWELL** shall obey all federal, state, and local laws, and all laws

and rules governing the practice of nursing in Ohio.

2. **MS. PENWELL** 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. PENWELL** shall notify the Board.
4. **MS. PENWELL** 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. PENWELL** 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. PENWELL** 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. PENWELL

5. **MS. PENWELL** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
6. **MS. PENWELL** 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. PENWELL** 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. PENWELL** 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. PENWELL** 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. PENWELL** shall verify that the reports and documentation required by this Order are received in the Board office.

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

Permanent Practice Restrictions

MS. PENWELL 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. PENWELL** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

MS. PENWELL 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. PENWELL's** suspension shall be lifted and **MS. PENWELL's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. PENWELL** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. PENWELL** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. PENWELL** 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. PENWELL** has complied with all aspects of this Order; and (2) the Board determines that **MS. PENWELL** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. PENWELL** and review of the reports as required herein. Any period during which **MS. PENWELL** 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 **LORETTA MAE PENWELL** to surrender her licensed practical nurse license, P.N. #080367, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

McCain, Donna, G. P.N. 105469 (CASE #07-0026)

Action: It was moved by Kathleen Driscoll, seconded by Patricia Burns, that upon consideration of the charges stated against **DONNA G. MCCAIN** in the March 14, 2008 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. MCCAIN** 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. MCCAIN's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time but not less than six (6) months with the conditions for reinstatement set forth below, and that following reinstatement, **MS. MCCAIN** 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 with TEMPORARY PRACTICE and TEMPORARY NARCOTIC RESTRICTIONS.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

1. **MS. MCCAIN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MCCAIN** 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. MCCAIN** 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: five (5) hours of Documentation.

Monitoring

4. **MS. MCCAIN** 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. MCCAIN's** history. **MS. MCCAIN** shall self-administer the prescribed drugs only in the manner prescribed.

5. **MS. MCCAIN** shall abstain completely from the use of alcohol.
6. Prior to seeking reinstatement by the Board, **MS. MCCAIN** 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. MCCAIN** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. MCCAIN** 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. MCCAIN's** license, and a statement as to whether **MS. MCCAIN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. MCCAIN** 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. MCCAIN's** license.
8. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MS. MCCAIN** 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. MCCAIN'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. MCCAIN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. MCCAIN's** history.
9. Within thirty (30) days prior to **MS. MCCAIN** initiating drug screening, **MS. MCCAIN** 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. MCCAIN**.
10. After initiating drug screening, **MS. MCCAIN** 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. MCCAIN** 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. MCCAIN** 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. MCCAIN** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
12. Prior to seeking reinstatement by the Board, **MS. MCCAIN** 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. MCCAIN** 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. MCCAIN's** license, and a statement as to whether **MS. MCCAIN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
13. **MS. MCCAIN** 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. MCCAIN's** license.
14. Prior to requesting reinstatement by the Board, **MS. MCCAIN** shall, at her expense, obtain a comprehensive physical examination by a Board approved pain management specialist for purposes of evaluating **MS. MCCAIN's** fitness for duty and safety to practice nursing as a licensed practical nurse. The Board approved specialist shall provide the Board with complete documentation of **MS. MCCAIN's** comprehensive physical examination and with a comprehensive assessment regarding **MS. MCCAIN's** fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MS. MCCAIN** shall provide the Board approved specialist with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. MCCAIN** shall execute releases to permit the Board approved specialist to obtain any information deemed appropriate and necessary for the assessment. The Board approved specialist 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. MCCAIN's** license, and stating whether **MS. MCCAIN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

15. The Board may utilize the Board approved specialist's recommendations and conclusions from the comprehensive physical examination and assessment as a basis for additional terms, conditions, and limitations on **MS. MCCAIN's** license.

Reporting Requirements of MS. MCCAIN

16. **MS. MCCAIN** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
17. **MS. MCCAIN** 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.
18. **MS. MCCAIN** 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.
19. **MS. MCCAIN** 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.
20. **MS. MCCAIN** 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.
21. **MS. MCCAIN** shall verify that the reports and documentation required by this Order are received in the Board office.
22. **MS. MCCAIN** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
23. **MS. MCCAIN** shall submit to a BCI criminal records check.

DURATION

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

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

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

Monitoring

3. **MS. MCCAIN** 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. MCCAIN's** history. **MS. MCCAIN** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. MCCAIN** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. MCCAIN** 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. MCCAIN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. MCCAIN's** history.
6. **MS. MCCAIN** 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. MCCAIN** 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. MCCAIN** 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. MCCAIN** 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. MCCAIN** 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. MCCAIN** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. MCCAIN** 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. MCCAIN** shall notify the Board.
11. **MS. MCCAIN** 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. MCCAIN** 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. MCCAIN** 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.
12. Prior to working as a nurse, if requested by the Board or its designee, **MS. MCCAIN** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

Reporting Requirements of MS. MCCAIN

13. **MS. MCCAIN** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
14. **MS. MCCAIN** 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. MCCAIN** 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. MCCAIN** 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. MCCAIN** 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.
18. **MS. MCCAIN** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. MCCAIN** 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.
20. Prior to working as a nurse, if requested by the Board or its designee, **MS. MCCAIN** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

Temporary Narcotic Restriction

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

Temporary Practice Restrictions

MS. MCCAIN 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. MCCAIN** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

MS. MCCAIN 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. MCCAIN's suspension shall be lifted and MS. MCCAIN's license to practice nursing as a licensed practical nurse will be automatically

suspended if it appears to the Board that **MS. MCCAIN** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. MCCAIN** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. MCCAIN** 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. MCCAIN** has complied with all aspects of this Order; and (2) the Board determines that **MS. MCCAIN** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. MCCAIN** and review of the reports as required herein. Any period during which **MS. MCCAIN** 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 **DONNA G. MCCAIN** to surrender her licensed practical nurse license, P.N. #105469, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Zampounis, Denise, E. R.N. 296085 (CASE #08-0629)

Action: It was moved by Patricia Burns, seconded by Kathleen Driscoll, that upon consideration of the charges stated against **DENISE EILEEN ZAMPOUNIS** in the July 24, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. ZAMPOUNIS** 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. ZAMPOUNIS'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 conditions for reinstatement set forth below, and that following reinstatement, **MS. ZAMPOUNIS** 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 PRACTICE and TEMPORARY NARCOTIC RESTRICTIONS set forth below.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

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

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

Educational Needs Assessment and Learning Plan

3. Prior to seeking reinstatement by the Board, **MS. ZAMPOUNIS** shall establish contact with a nursing educator approved by the Board who has no less than a master's degree and who is affiliated with a nursing educational program and **MS. ZAMPOUNIS** shall have the educator provide the Board with a written report of an assessment of **MS. ZAMPOUNIS**, which identifies **MS. ZAMPOUNIS's** knowledge/practice deficiencies and remedial educational needs. Prior to the assessment, **MS. ZAMPOUNIS** shall provide the nursing educator with a copy of this Order and the Notice of Opportunity for Hearing and shall submit to any nursing skills or knowledge assessments required by the educator. **MS. ZAMPOUNIS** shall also execute releases prior to the assessment to permit the educator to obtain any information deemed appropriate and necessary for the assessment including information from **MS. ZAMPOUNIS's** employer(s), former employers, and Board staff. Following the assessment, **MS. ZAMPOUNIS** shall have the educator provide the Board with a copy of a learning plan developed by the educator for **MS. ZAMPOUNIS** and shall obtain approval of the learning plan by the Board or its designee. The learning plan shall identify specific remediation that **MS. ZAMPOUNIS** shall complete to address any knowledge/practice deficiencies and remedial educational needs identified by the educator and shall identify the time frame during which **MS. ZAMPOUNIS** shall complete such learning plan. Prior to seeking reinstatement by the Board, **MS. ZAMPOUNIS** shall successfully complete and submit satisfactory documentation of successful completion of the learning plan within the time frame specified in the learning plan. After **MS. ZAMPOUNIS** has successfully completed the learning plan and prior to seeking reinstatement by the Board, the educator shall provide the Board with an assessment and any recommendations for additional remedial education and/or restrictions that should be placed on **MS. ZAMPOUNIS's** license to practice. Furthermore, the educator shall provide to the Board a written opinion stating whether **MS. ZAMPOUNIS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care. **MS. ZAMPOUNIS** shall be responsible for all costs associated with meeting this requirement.
4. The Board may utilize the educator's recommendations and conclusions from the assessment as a basis for additional terms, conditions, and limitations on **MS. ZAMPOUNIS's** license.
5. In the event that the educator's recommendations require **MS. ZAMPOUNIS** to have an active nursing license, the Board, prior to reinstatement of her license, may issue **MS. ZAMPOUNIS** a license to practice nursing as a registered nurse that is restricted to the limited use

and sole purpose of completing the educator's recommendations. For all other uses and purposes, **MS. ZAMPOUNIS's** license shall remain suspended. Upon successful completion of the educator's recommendations and upon written notification to the Board or its designee, the limitations on **MS. ZAMPOUNIS's** license shall be terminated. **MS. ZAMPOUNIS** shall not gain or attempt to gain employment as a registered nurse in the State of Ohio until she has completed the requirements and conditions for reinstatement, set forth in this Order, and the Board has reinstated her license.

Monitoring

6. **MS. ZAMPOUNIS** 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. ZAMPOUNIS's** history. **MS. ZAMPOUNIS** shall self-administer the prescribed drugs only in the manner prescribed.
7. **MS. ZAMPOUNIS** shall abstain completely from the use of alcohol.
8. Prior to seeking reinstatement by the Board, **MS. ZAMPOUNIS** 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. ZAMPOUNIS** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. ZAMPOUNIS** 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. ZAMPOUNIS's** license, and a statement as to whether **MS. ZAMPOUNIS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
9. **MS. ZAMPOUNIS** 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. ZAMPOUNIS's** license.
10. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MS. ZAMPOUNIS** 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. ZAMPOUNIS'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. ZAMPOUNIS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. ZAMPOUNIS's** history.
11. Within thirty (30) days prior to **MS. ZAMPOUNIS** initiating drug screening, **MS. ZAMPOUNIS** 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. ZAMPOUNIS**.
 12. After initiating drug screening, **MS. ZAMPOUNIS** 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. ZAMPOUNIS** 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.
 13. For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, **MS. ZAMPOUNIS** 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. ZAMPOUNIS** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
 14. Prior to seeking reinstatement by the Board, **MS. ZAMPOUNIS** 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. ZAMPOUNIS** 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. ZAMPOUNIS's** license, and a statement as to whether **MS. ZAMPOUNIS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
 15. **MS. ZAMPOUNIS** 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. ZAMPOUNIS's** license.

Reporting Requirements of MS. ZAMPOUNIS

- 16. MS. ZAMPOUNIS** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
- 17. MS. ZAMPOUNIS** 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.
- 18. MS. ZAMPOUNIS** 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.
- 19. MS. ZAMPOUNIS** 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.
- 20. MS. ZAMPOUNIS** 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.
- 21. MS. ZAMPOUNIS** shall verify that the reports and documentation required by this Order are received in the Board office.
- 22. MS. ZAMPOUNIS** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
- 23. MS. ZAMPOUNIS** shall submit to a BCI criminal records check.

DURATION

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

Following reinstatement, MS. ZAMPOUNIS shall be subject to the following probationary terms, conditions, and limitations for a minimum

period of three (3) years.

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

Monitoring

3. **MS. ZAMPOUNIS** 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. ZAMPOUNIS's** history. **MS. ZAMPOUNIS** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. ZAMPOUNIS** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. ZAMPOUNIS** 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. ZAMPOUNIS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. ZAMPOUNIS's** history.
6. **MS. ZAMPOUNIS** 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. ZAMPOUNIS** 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. ZAMPOUNIS** 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. ZAMPOUNIS** 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. ZAMPOUNIS** 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. ZAMPOUNIS** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. ZAMPOUNIS** 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. ZAMPOUNIS** shall notify the Board.
11. **MS. ZAMPOUNIS** 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. ZAMPOUNIS** 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. ZAMPOUNIS** 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. ZAMPOUNIS

12. **MS. ZAMPOUNIS** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. ZAMPOUNIS** 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. ZAMPOUNIS** 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. ZAMPOUNIS** 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. ZAMPOUNIS** 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. ZAMPOUNIS** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. ZAMPOUNIS** 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. ZAMPOUNIS** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

Temporary Practice Restrictions

MS. ZAMPOUNIS 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. ZAMPOUNIS** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

MS. ZAMPOUNIS 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.

Temporary Narcotic Restriction

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

FAILURE TO COMPLY

The stay of **MS. ZAMPOUNIS's** suspension shall be lifted and **MS. ZAMPOUNIS's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. ZAMPOUNIS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. ZAMPOUNIS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. ZAMPOUNIS** 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. ZAMPOUNIS** has complied with all aspects of this Order; and (2) the Board determines that **MS. ZAMPOUNIS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. ZAMPOUNIS** and review of the reports as required herein. Any period during which **MS. ZAMPOUNIS** 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 **DENISE EILEEN ZAMPOUNIS** to surrender her registered nurse license, R.N. # 296085, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Forth, Mardi, A. P.N. 124557 (CASE #09-2429)

Action: It was moved by Janet Boeckman, seconded by J. Jane McFee, that the board consolidate the July 2009 and September 2009 Notices of Opportunity for hearing. It was further moved that upon consideration of the charges stated against **MARDI ANN FORTH** in the May 26, 2009 Notice of Summary Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. FORTH** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Summary Suspension and Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. FORTH'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **MARDI ANN FORTH** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #124557, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier, Patricia Protopapa, and Eric Yoon abstaining.

Yetter, Cathy, L. P.N. 096752 (CASE #09-4390)

Action: It was moved by Judith Church, seconded by Delphenia Gilbert, that upon consideration of the charges stated against **CATHY L. YETTER** in the

Notices and evidence supporting the charges, the Board finds that **MS. YETTER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notices, and the Ohio Board of Nursing ORDERS that **MS. YETTER's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. YETTER** 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 with TEMPORARY PRACTICE and TEMPORARY NARCOTIC RESTRICTIONS.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

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

Monitoring

3. **MS. YETTER** 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. YETTER's** history. **MS. YETTER** shall self-administer the prescribed drugs only in the manner prescribed.
4. **MS. YETTER** shall abstain completely from the use of alcohol.
5. Prior to seeking reinstatement by the Board, **MS. YETTER** 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. YETTER** shall provide the chemical dependency professional with a copy of this Order and Notices. Further, **MS. YETTER** 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. YETTER's** license, and a statement as to whether **MS. YETTER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MS. YETTER** 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. YETTER's** license.

7. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MS. YETTER** 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. YETTER'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. YETTER** shall be negative, except for substances prescribed,

administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. YETTER's** history.

8. Within thirty (30) days prior to **MS. YETTER** initiating drug screening, **MS. YETTER** 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. YETTER**.
9. After initiating drug screening, **MS. YETTER** 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. YETTER** 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. YETTER** 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. YETTER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

Reporting Requirements of MS. YETTER

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

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

DURATION

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

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

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

Monitoring

3. **MS. YETTER** 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. YETTER's** history. **MS. YETTER** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. YETTER** shall abstain completely from the use of alcohol.
 5. During the probationary period, **MS. YETTER** 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. YETTER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. YETTER's** history.
 6. **MS. YETTER** 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. YETTER** 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. YETTER** 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. YETTER** 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. YETTER** 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. YETTER** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. YETTER** 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. YETTER** shall notify the Board.

11. **MS. YETTER** 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. YETTER** shall provide her employer(s) with a copy of this Order and Notices 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 Notices, including the date they were received. Further, **MS. YETTER** is under a continuing duty to provide a copy of this Order and Notices to any new employer prior to accepting employment.

Reporting Requirements of MS. YETTER

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

13. **MS. YETTER** 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. YETTER** 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. YETTER** 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. YETTER** 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. YETTER** shall verify that the reports and documentation required by this Order are received in the Board office.

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

Temporary Narcotic Restriction

MS. YETTER shall not administer, have access to, or possess (except as

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

Temporary Practice Restrictions

MS. YETTER 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. YETTER** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

MS. YETTER 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. YETTER's suspension shall be lifted and MS. YETTER's license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. YETTER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. YETTER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. YETTER** 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. YETTER** has complied with all aspects of this Order; and (2) the Board determines that **MS. YETTER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. YETTER** and review of the reports as required herein. Any period during which **MS. YETTER** 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 **CATHY L. YETTER** to surrender her licensed practical nurse license, P.N. #096752, 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 20th day of November, 2009.

Motion adopted by majority vote of the Board members with Anne Barnett, Bertha Lovelace, Johnnie Maier and Patricia Protopapa abstaining.

DISMISSAL OF NOTICE OF OPPORTUNITY FOR HEARING

Action: It was moved by J. Jane McFee, seconded by Kathleen Driscoll, that in the matter of Allen, Francess, R.N. 237443 (CASE #05-2738), upon consideration of the decision in Franklin County Court Case No. 06CVF-11-15303, remanding the case to the Board, the Board dismiss all charges stated against Francess Allen in the November 18, 2004 Notice of Opportunity for Hearing. Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

MONITORING

LIFTS OF SUSPENSION/PROBATION

Action: It was moved by Janet Boeckman, seconded by Patricia Protopapa, 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:

Burton, Simone, R.N. 340755 (CASE #07-2577); Hampton, Tracy, L. P.N. 131982 (CASE #08-0936); Shelko, Fred, P. P.N. 103410 (CASE #05-3475); Plaza, Susan, M. R.N. 222675 (CASE #08-2423); Harp, Beth, A. P.N. 131984 (CASE #07-0305); Miller, Elaine, J. P.N. 063256 (CASE #06-2088); Medardi, Tina, M. R.N. 345384 (CASE #08-2559); Shanklin, Bennie, G. R.N. 220040 (CASE #06-2890); Miles, Leonard, P.N. 131986 (CASE #08-1111); Morelli, Ericka, C. P.N. 130758 (CASE #08-0472); Holly-Dickens, Charmaine, E. P.N. 095335 (CASE #03-1818); Monat, Abbie, L. P.N. 128565 (CASE #07-2754); McMillan, Erin, C. R.N. 332499 (CASE #06-1398); Clark, Flossie, P.N. 130377 (CASE #07-2492);

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

LIFTS OF SUSPENSION/PROBATION – EARLY RELEASE

Action: It was moved by Janet Boeckman, seconded by Patricia Protopapa, 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:

Scott, Mary Jane, P.N. 042428 (CASE #08-0270); Bynes, Willie, M. P.N. 083044 (CASE #06-1456); Lorenz, Bridget, A. R.N. 329066 (CASE #07-2986); Slone, Antonella, C. R.N. 311890 (CASE #07-3136); Knox, Jacquelyn, S. R.N. 339749 (CASE #07-4025);

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

LIFT OF NARCOTIC RESTRICTION

Action: It was moved by Judi Church, seconded by Delphenia Gilbert, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from their narcotic restrictions within their respective consent agreement or adjudication orders:

Abbott, Nancy, L. R.N. 231692 (CASE #07-2243); Mahan, Monica, L. P.N. 065427 (CASE #08-0149);

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

LIFT OF PRACTICE RESTRICTION

Action: It was moved by Bertha Lovelace, seconded by Judith Church, that Young, Carolyn, R. P.N. 085167 (CASE #06-2303), with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from the temporary practice restrictions within her consent agreements or adjudication order. Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

Action: It was moved by Janet Boeckman, seconded by Patricia Protopapa, that Payne, Clifford, A. R.N. 234503 (CASE #08-3826), with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from the practice restrictions within his consent agreements or adjudication order. Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

Action: It was moved by Bertha Lovelace, seconded by Eric Yoon, that Payne, Gosnell, Cindy, S. R.N. 279503 (CASE #03-0555), with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from the two year restriction on management supervisory positions within her consent agreements or adjudication order. Motion adopted by majority vote of the Board members with Anne Barnett abstaining.

LIFT OF SUSPENSION/PROBATION ONLY – PERMANENT PRACTICE RESTRICTIONS REMAIN

Action: It was moved by Patricia Protopapa, seconded by Janet Boeckman, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from their consent agreement or

adjudication order, with the exception of the permanent practice restrictions that will remain in effect:

Stehlin, Marilyn, E. R.N. 302910 (CASE #05-3068); Baxley, Sonia, A. P.N. 130368 (CASE #07-2540); Beecher, Ella, L. P.N. 127953 (CASE #06-1261); Tedford, Christopher, P. P.N. 077448 (CASE #06-3188); and Knisley, Lynnette, R. P.N. 130372 (CASE #07-1394).

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 Bertha Lovelace, seconded by Eric Yoon, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released early from the terms and conditions of their Consent Agreement or Adjudication Order, with the exception of the permanent practice restriction(s) that will remain in effect:

Finnerty, Betsy, R. R.N. 172746 (CASE #06-1247) and Fannin, Linda, C. R.N. 142774 (CASE #06-3396).

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 Patricia Burns, seconded by Kathleen Driscoll, that the following, with the recommendation by Anne Barnett, Supervising Member of Disciplinary Matters, having met the terms and conditions of their Consent Agreements, be reinstated subject to the terms and conditions of their Consent Agreements:

Sorgen, Tarah, J. P.N. 114338 (CASE #05-2957); Miller, Patricia, M. R.N. 316053 (CASE #08-4585); McCoy, Tanja, L. P.N. 079519 (CASE #08-2636); Greene, Traci, L. R.N. 260763 (CASE #09-0685);

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

Action: It was moved by Melissa Meyer, seconded by Kathleen Driscoll, that that, Pfender Elkins, Christina, M. R.N. 295755 (CASE #05-3181), with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, having met the terms and conditions of her Adjudication Order, be reinstated subject to the terms and conditions of the adjudication order. 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 Janet Boeckman, seconded by J. Jane McFee, that the following be reinstated subject to the probationary terms in their respective consent agreement or adjudication order:

Maxwell, Jenny S. P.N. 111411 (CASE #07-3493); Arnold, Corrine, K. P.N. 131980 (CASE #08-0638); and Kirschbaum, Traci, A. R.N. 259419 (CASE #05-2607).

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

REPORTS TO THE BOARD

Board Committee Reports

Advisory Group Appointments

Dialysis

Action: It was moved by Janet Boeckman, seconded by J. Jane McFee, that the Board appoint the following members to the Advisory Group on Dialysis, for terms beginning January 1, 2010 and ending December 31, 2011: Diana Hlebovy; Stacy Johnson-Miller; Amy Rabatin; and Ganesh Shidham. Motion adopted by unanimous vote of the Board members.

Nursing Education

Action: It was moved by Janet Boeckman, seconded by J. Jane McFee, that the Board appoint the following members to the Advisory Group on Nursing Education, for terms beginning January 1, 2010 and ending December 31, 2011: Sherri Becker; Celicia Bidigare; Cheryl DeFrancisco; Jennie Denker; Don Jackson; Tracy Szirony; Betty Thompson; and Deana Vargo. Motion adopted by unanimous vote of the Board members.

Open Forum – Thursday, November 19 and Friday, November 20, 2009

Cynthia Price, RETS Program Administration, addressed the Board on November 19, 2009 regarding the RETS College School of Nursing. She stated the program's NCLEX pass rate was now at or above the national average and RETS is looking forward to continuing the successful pass rate.

The Board welcomed Attorney General Richard Cordray to the meeting on November 20. Attorney General Cordray spoke to the Board about several initiatives of his Office, such as combating Domestic Violence and Elder Abuse, and use of the Crime Victim's Compensation Fund. In addition, his Office has implemented a more accessible, fixed-cost method for applicants to obtain criminal records checks at Ohio Bureau of Motor Vehicle locations across the state. The Board thanked Attorney General Cordray for his work and for visiting the Board.

Advisory Group Reports

Continuing Education (October 9, 2009)

Lesleigh Robinson and Delphenia Gilbert reported on the Advisory Group on Continuing Education meeting. The Advisory Group recommended changing Rule 4723-17-06 to eliminate the requirement that three actual venipunctures be performed to complete the continuing education IV therapy course.

Dialysis Technicians (October 13, 2009)

L. Emrich and L. Robinson reported on the meeting. E. Yoon asked why requirements are different for dialysis technicians than for the other types of licensees and certificate holders that the Board regulates and the Board discussed the differences. It was noted that the Advisory Group had previously agreed on revisions in the Nurse Practice Act and administrative rules to clarify requirements for dialysis technicians.

Other Reports

NEALP Report

H. Fischer reviewed the NEALP report and noted that the Ohio Board of Regents now has the statutory authority to modify the allocation of funds. For this funding period they did not allocate funds for PN applicants, but they increased funding for nurses studying to become nursing faculty.

Strategic Plan Status Report

The Board reviewed the status report and B. Houchen answered questions. A. Barnett asked about the items needed for a completed application. L. Robinson explained the licensure process and what is needed to make an individual eligible to test. The Board agreed to an additional objective regarding disciplinary cases for hearing.

Board Hearing Committee Report

The Board agreed to extend the terms of the current Board Hearing Committee members, President L. Klenke, Vice-President J. McFee, Consumer Member J. Maier, and alternate B. Lovelace, to serve for the February 10, 2010 Hearing Committee date and agreed if re-appointment to the term of Vice-President J. McFee occurs prior to that date, the new Vice-President will replace the position of Vice-President J. McFee.

H. Fischer also reviewed the cost analysis presented in the report and discussed that it was an accurate reflection of the cost savings.

Administrative Hearing Fees

T. Dilling discussed the proposal for administrative hearing fees and stated it would be difficult to enact at this time. The Board agreed by general consensus to hold the proposal for future discussion and possible action.

The Board discussed the possibility of routinely issuing fines for disciplinary cases. A. Barnett stated that she reviews the complexity of cases and mitigating factors on a case-by-case basis and believes that imposing fines automatically for every case is not realistic. J. Church stated that she would want to review data or evidence from other states, i.e., if fines serve as a deterrent and reduce future violations. T. Dilling stated that imposing blanket fees could be perceived as an administrative fee. J. Maier stated he would like to consider this in greater depth because it may result in large amounts of uncollected debt by the Board and legislators would examine it. Board staff will review other states' practices for discussion at the April Retreat.

Alternative Program Protocols

Emily Brown and L. Ferguson-Ramos reviewed the proposed Alternative Program Protocols. In 2005 and 2007, the Board approved several policies and procedures to establish parameters for making determinations regarding Alternative Program applicants and participants, and to make the decision-making process more consistent and efficient. These policies and procedures were consolidated and re-formatted into a single document. In addition, the protocols have been updated in accordance with revisions made in February 2009 to Chapter 4723-6, OAC, pertaining to the Alternative Program. Finally, in an effort to promote efficiency, protocols regarding processing and closing of non-compliance matters were added.

Action: It was moved by Anne Barnett, seconded by Patricia Burns, that the Board approve the Alternative Program Protocols as amended. Motion adopted by unanimous vote of the Board members.

Permanent Restrictions – Consent Agreements and Board Orders

At the September 2009 meeting, the Board discussed the use of the language “unless otherwise approved in advance by the Board or its designee” for permanent practice and narcotic restrictions in Consent Agreements and Board Orders. The Board determined that certain underlying facts and violations could be designated as ineligible for this language. The Supervising Member recommended that the following violations be designated as ineligible for the “unless otherwise approved” language in Consent Agreements and Board Orders:

1. Tampering or Substitution (permanent practice and permanent narcotic);
2. Patient abuse under Section 4723.28(B)(12), ORC (permanent practice);
3. Theft from a home care patient (permanent practice and permanent narcotic if the theft involved drugs); and
4. Repeat violations of Consent Agreements or Orders (permanent practice or permanent narcotic).

The Board maintains discretion to make a disciplinary determination on a case-by-case basis. The Board agreed by general consensus to the recommendation of the Board Supervising Member.

Nursing Education Program Annual Reports – Summary

L. Emrich presented the Nursing Education Program Annual Report Summary. All reports were submitted before the deadline and information was provided on-line. L. Emrich recognized the work of Michelle Hubbard in compiling and completing the Summary. There was a discussion regarding the range of clinical hours. It was noted that a NCSBN Committee continues to work on “transition to practice” recommendations.

GENERAL INFORMATION (FYI)

L. Klenke reviewed the General Information items and asked if Board members had questions. There were no questions or discussion.

BOARD GOVERNANCE

Nomination of Board Officers – Thursday, November 19, 2009

President

Action: Janet Boeckman nominated Bertha Lovelace for President.

Action: Melissa Meyer nominated Eric Yoon for President.

Vice-President

Action: J. Jane McFee nominated Patricia Protopapa for Vice-President.

Board Supervising Member for Disciplinary Matters

Action: Patricia Burns nominated Anne Barnett for Board Supervising Member for Disciplinary Matters.

Action: It was moved by Janet Boeckman, seconded by J. Jane McFee, that nominations be closed.

Election of Board Officers – Friday, November 20, 2009

The Board elected Bertha Lovelace as President, Patricia Protopapa as Vice-President, and Anne Barnett as Board Supervising Member for Disciplinary Matters.

Appointment of Education Liaison

Action: It was moved by Patricia Protopapa, seconded by J. Jane McFee, that the Board appoint Janet Boeckman as the Nursing Education Program Liaison to Board staff for the period of January 1, 2010 through December 31, 2010, contingent on her reappointment to the Board. Motion adopted by unanimous vote of the Board members.

Appoint Advisory Group Chairs

Nursing Education Advisory Group

Action: It was moved by J. Jane McFee, seconded by Anne Barnett, that the Board appoint Judith Church as Chair of the Advisory Group on Nursing Education for the period of January 1, 2010 through December 31, 2010. Motion adopted by unanimous vote of the Board.

Dialysis Advisory Group

Action: It was moved by Anne Barnett, seconded by Patricia Protopapa, that the Board appoint Melissa Meyer as Chair of the Advisory Group on Dialysis for the period of January 1, 2010 through December 31, 2010. Motion adopted by unanimous vote of the Board members.

Continuing Education Advisory Group

Action: It was moved by Anne Barnett, seconded by J. Jane McFee, that the Board appoint Delphenia Gilbert as Chair of the Advisory Group on Continuing Education for the period of January 1, 2010 through December 31, 2010. Motion adopted by unanimous vote of the Board members.

Designation of Hospitality Chair

The Board designated Melissa Meyer as the Hospitality Chair for 2010.

Authorization for the use of Hearing Examiners

Action: It was moved by Janet Boeckman, seconded by J. Jane McFee, that the Board authorize the use of hearing examiners for hearings for the period of January 1, 2010 through December 31, 2010. Motion adopted by unanimous vote of the Board members.

Authorization for the Board Supervising Member or President to Issue Notices of Opportunity for Hearing

Action: It was moved by Melissa Meyer, seconded by Judith Church, that the Board authorize the Board Supervising Member for Disciplinary Matters, or the Board President, to issue notices of immediate suspensions for the period of January 1, 2010 through December 31, 2010. Motion adopted by unanimous vote of the Board members.

Authorization for the Use of Signature Stamps and Electronic Signatures

Action: It was moved Janet Boeckman, seconded by J. Jane McFee, that the Board authorize the use of signature stamps or electronic signatures of the President, Supervising Member for Disciplinary Matters, and Executive Director, by designated staff for the period of January 1, 2010 through December 31, 2010. Motion adopted by unanimous vote of the Board members.

Authorization for Editorial Changes to Motions of the Board

Action: It was moved by Janet Boeckman, seconded by J. Jane McFee, that the Board authorize the Executive Director to make editorial changes to motions of

the Board for the period of January 1, 2010 through December 31, 2010. Motion adopted by unanimous vote of the Board members.

Authorization for Designated Staff to Sign AP and PIIP Agreements

Action: It was moved by Melissa Meyer, seconded by Kathleen Driscoll, that the Board authorize designated staff of the Alternative Program and PIIP program to sign program contracts on behalf of the Board for the period beginning January 1, 2010 through December 31, 2010. Motion adopted by unanimous vote of the Board members.

Authorization for the Executive Director to Establish Standards of Employee Conduct

Action: It was moved by Judith Church, seconded by Bertha Lovelace, to authorize the Executive Director to establish standards of conduct for employees of the Board, including reviewing, revising, and/or reapproving existing standards of conduct. Motion adopted by unanimous vote of the Board members.

Appointment of a Board Member to the CPG Committee

Action: It was moved by J. Jane McFee, seconded by Anne Barnett, that the Board appoint Eric Yoon to the Committee for Prescriptive Governance for the period of January 1, 2010 to December 31, 2012. Motion adopted by unanimous vote of the Board members.

Re-Appointment of the Executive Director

Action: It was moved by Janet Boeckman, seconded by J. Jane McFee, that the Board re-appoint Betsy Houchen as Executive Director of the Ohio Board of Nursing. Motion adopted by unanimous vote of the Board members.

EVALUATION OF MEETING AND ADJOURNMENT

A. Barnett thanked the compliance staff for all of their hard work and J. Boeckman commended the work of the education unit.

L. Klenke and J. McFee thanked Board members and staff and stated they enjoyed working with them during their terms on the Board.

The meeting adjourned on November 20, 2009 at 1:20 p.m.

Lisa Klenke, MBA, RN, CNAA
President

Handwritten signature of Lisa R. Klenke in cursive script.

Attest:

Betsy Houchen, RN, MS, JD
Executive Director

Handwritten signature of Betsy J. Houchen in cursive script.