

## OHIO BOARD OF NURSING

### MINUTES OF MEETING

#### REGULAR MEETING OF THE BOARD MAY 17-18, 2007

The regular meeting of the Ohio Board of Nursing (Board) was held on May 17-18, 2007 at the Board office located at 17 South High Street, Suite 400, Columbus, Ohio, 43215. The President, Vice-President, and Executive Director reviewed the agenda prior to the meeting.

On Thursday, May 17, 2007, at 8:35 a.m., President Cynthia Krueger called the Board meeting to order. On Friday, May 18, 2007, at 8:35 a.m., President Cynthia Krueger called the Board meeting to order. Vice-President Teresa Williams read the Board mission statement each day.

#### BOARD MEMBERS

Cynthia Krueger, RN, MSN, President  
Teresa Williams, LPN, Vice-President  
Anne Barnett, BSN, RNC, CWS  
Janet L. Boeckman, RN, MSN, CPNP (after 2:30 p.m. Friday, absent)  
Judith Brachman, Consumer Member  
Debra Broadnax, MSN, RN, CNS, Supervising Member, Disciplinary Matters  
Patricia Burns, LPN  
Elizabeth Buschmann, LPN  
Kathleen Driscoll, JD, MS, RN (absent)  
Lisa Klenke, MBA, RN, CNA-A  
J. Jane McFee, LPN  
Kathleen O'Dell, RN, M.ED, NCSN  
Eric Yoon, MSN, ACNP, CCNS (absent)

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

#### **ADMINISTRATIVE MATTERS**

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

- On Thursday, President Krueger reported that a Board Reception was held at 8:00 a.m. A noon meeting of the Board Committee on Practice is scheduled with a report to follow. The Executive Session is scheduled for 3:00 p.m.
- On Friday, the following are scheduled: Open Forum at 10:00 a.m. and the Board Committee for the Ohio Center for Nursing at noon.

On Thursday and Friday President Krueger recognized students, welcomed the gallery, and requested Board members introduce themselves and indicate their practice areas and hometowns.

**Minutes of March 15-16, 2007 Board Meeting**

IT WAS MOVED BY LISA KLENKE, SECONDED BY PATRICIA BURNS, THAT THE MINUTES OF THE MARCH 15-16, 2007 BOARD MEETING BE APPROVED, AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Minutes of April 16-17, 2007 Board Retreat**

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY ELIZABETH BUSCHMANN, THAT THE MINUTES OF THE APRIL 16-17, 2007 BOARD RETREAT BE APPROVED, AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Staff Introductions**

L. Emrich, Program Manager, introduced and recognized staff in the areas of education and practice: Jennifer Smallwood, Joyce Zurmehly, Amy Rettig and Ebony Turner.

C. Krueger read an email from a nursing education program administrator who commended the licensure unit for the quick turnaround time in providing the authorization to test upon receipt of the program completion letters for students who recently graduated. L. Klenke also commended the staff on the quick turnaround and smooth process. On Friday, C. Krueger read an email from another nursing education program administrator, who commended the Board's Education Consultants in the professional and thorough manner in which they conducted the Program survey visit.

**Executive Director Report**

The Board received the written Executive Director Report and Betsy Houchen highlighted the report and answered questions.

**Pandemic Flu Planning**

L. Emrich attended the Ohio Department of Health (ODH) Med-Surg Pandemic Flu Preparation meeting on April 20, 2007. A representative of the Ohio Dental Association presented information about scope of practice recommendations for dentists as first responders. There was discussion about the Dental Association's communications with the Dental and Medical Boards and its current plans. Draft documents were distributed for comment that outlined pre-hospital assessment findings, triage and level of care; and a white paper concerning initiatives between long-term care, assisted living, home health care and hospice in the event of pandemic flu. L. Klenke suggested that the tasks nurses perform also need to be identified, as they too would be authorized providers during emergency situations.

The work accomplished by a task force under former Governor Taft's executive order, to research mechanisms and draft emergency legislation language in the event of pandemic flu, was discussed. The work completed by the task force was provided to Governor Strickland's office. In June, A. Rettig, Practice Consultant, will attend an ANA Policy Conference, "Nursing Care in Life, Death and Disaster," supported by The Centers for Disease Control and Prevention.

### **Medication Aide Update**

As of May 4, 2007:

- Thirty-six (36) students passed both the written and skills examination
- Thirty-three (33) individuals submitted applications for medication aide certification
- Twenty-eight (28) certificates have been issued
- Nineteen (19) Training Programs have been approved
- Overall pass rate for medication aide testing is 85%

Board staff conducted a telephone survey to identify the number of medication aides employed and the number of functioning medication aides. A chart was attached with a breakdown of the Pilot Program Facilities. Facilities reported the following:

- Nursing Homes: 6 medication aides employed and 3 working
- RCFs: 16 medication aides employed and 11 working

The Board has had inquiries from the Ohio State Society of Medical Assistants (OSSMA) regarding the title abbreviation for certified medication aides, stating "CMA" is used for those who have passed a competency based examination after completing an accreditation program. NCSBN recommends the use of "MA-C" and Board staff will begin using this title abbreviation in Board documents.

### **National Council of State Boards of Nursing (NCSBN) – Update**

*Healthcare Integrity and Protection Databank (HIPDB)*

Board staff participated in an educational "webinar" sponsored by NCSBN to obtain information about the changes and upgrades developed by NCSBN Information Technology staff, including the conversion from using NURSUS discipline codes to use of the HIPDB codes. Currently, the Board submits Board disciplinary actions to NURSUS and NCSBN serves as the Board's agent to submit the Ohio data to the federal HIPDB system. Starting in June, HIPDB will more closely monitor information entries to identify if states are reporting, reporting in a timely manner (within thirty days of Board action), and reporting legally sufficient information.

#### *Investigator and Attorney Conference*

Two Board investigators, D. Corrigan and A. Sala will be presenting at the NCSBN Annual Investigators and Attorney Conference in May. Their presentation is titled, "Collaborating with Other Agencies" and focuses on working effectively with law enforcement. In addition, L. Emrich will be presenting a TERCAP report as the TERCAP Task Force Chair.

#### *NCSBN Board of Directors*

The Nominating Committee notified B. Houchen that she was selected to run for the Area II Director position on the NCSBN Board. The election will take place at the Annual Meeting and Delegate Assembly in August. B. Houchen also announced that applications for serving on committees are available on NCSBN's web site with a filing deadline of May 29, 2007.

#### **Board Investigators' Retreat**

On April 25-26, the Compliance Unit conducted a retreat for Board investigators. The group discussed standardizing investigative reports, the Alternative Program related to disciplinary processes, and numerous other topics. The investigators found it to be very productive and have requested to have a retreat once or twice yearly. Special thanks goes to L. Ferguson-Ramos and E. Brown for organizing and facilitating the retreat.

#### **NCLEX Quarterly Reports**

The NCLEX Quarterly Statistics for nursing education programs are now available on the Board's web site under the "Education" section. This new feature enables the Board to provide information concerning NCLEX pass rates in a more efficient and timely manner. The change will decrease postage costs and increase efficiencies by reducing staff time in preparation of reports and mailings.

#### **Board Retreat – Follow-up**

There are two items from the Retreat discussion for follow-up that the staff will be gathering data to provide to the Board at a later meeting. First, NCSBN needs additional time to determine if they can provide the NCLEX testing data the Board is requesting. Second, there was a question regarding whether the Board should approve out-of-state Dialysis Technician Training Programs and staff would like to obtain more information about the structure and organization of the national training programs from the Dialysis Advisory Group to present to the Board.

#### **Legislative/Regulatory**

Legislation that would impact the Board's licensure and disciplinary processes is included with Department of Rehabilitation and Correction (DRC) initiatives in **House Bill 130**, sponsored jointly by **Representatives John White (R-Kettering)** and **Tyrone Yates (D-Cincinnati)**, and is also the substance of **House Bill 171** sponsored by **Representative Sandra Williams (D-Cleveland)**. In both bills, regulatory boards, including the Board of Nursing, could make licensure and

disciplinary decisions based on prior criminal offenses only if the individual has been convicted, pled guilty, had a judicial finding of guilt from a no contest plea, or had a judicial finding of eligibility for intervention in lieu of conviction for an offense that is “substantially related” to the relevant practice. A “criminal offense that is substantially related” is one in which the nature of the felony or misdemeanor “has a direct bearing on the fitness or ability of the person to perform one or more of the duties or responsibilities necessarily related to a particular occupation, profession, or trade regulated by Title XLVII of the Revised Code.” Should either measure be enacted, the Board would be required to promulgate administrative rules identifying those criminal offenses that satisfy this threshold for nurses, dialysis technicians, community health workers, and medication aides.

On a related topic, several of the state licensure and regulatory boards have joined forces to promote legislation authorizing them to conduct criminal records checks as presently required for applicants under Chapter 4723. The bill, **House Bill 104**, sponsored by **Representative Tony Core (R- Rushsylvania)**, adds language to the licensure provisions for other regulatory boards that requires applicants to request a criminal background check in accordance with Section 109.572 of the Revised Code.

#### *Legislation Regarding Complementary and Alternative Health Care*

Also pending in the House is legislation that has been considered in prior years. **House Bill 148**, sponsored by **Representative Lynn Wachtmann (R-Napoleon)**, is the complementary and alternative health care proposal that was under discussion in 2005 and 2006. It would create within the Department of Commerce, an office of complementary or alternative health care to register individuals who provide complementary or alternative health care services. This would include an individual providing such services who is not a licensed health care professional, as well as a licensed health care professional who is not acting in that capacity when providing complementary or alternative health care treatment. Complementary or alternative health care treatment is defined as “a method of treating an individual’s health condition that is designed to be an alternative to prevailing or conventional methods used to treat the health condition.” Such services could be provided either in addition to, or in place of, other treatment options. There is presently no companion bill in the Senate.

#### *Legislation Regarding Advanced Practice Nursing*

The Ohio Association of Advanced Practice Nurses (OAAPN) was successful in amending the provision of law that establishes the process for obtaining a disability parking placard or license plate. **House Bill 67**, sponsored by **Representative Tom Patton (R-Strongsville)**, included an amendment to Section 4503.44 of the Revised Code that will allow an applicant for a disability placard or disability license plates to provide a signed statement of the qualifying condition from an advanced practice nurse, in addition to a physician or a chiropractor. This bill has passed the general assembly and is awaiting signature by the Governor.

### *DNR Rules*

The Ohio Department of Health has drafted amendments to several rules and appendices in OAC Chapter 3701-62 pertaining to Do Not Resuscitate (DNR) requirements for the purpose of clarifying and updating the DNR protocol and procedures. Comments are due by May 28, 2007. The draft rules can be accessed at [www.odh.state.oh.us](http://www.odh.state.oh.us).

### **Compliance Statistics**

J. Brachman asked if the number of cases pending notices is due to not having enough staffing. L. Ferguson-Ramos responded that this is correct and that since mid-April, H. Fischer has been monitoring the pending notices for distribution. J. Brachman suggested that during the next budget process that staff consider requesting additional staff and also consider conducting a study on what kind of cases come back in terms of repeat offenders in order to deal with the consent agreements differently. L. Ferguson-Ramos responded that one of the monitoring agents could look at those cases.

### **Legislative Status Report**

The Board received the Legislative Status Report and C. Snyder highlighted the report and answered questions. J. Brachman asked about HB 104, HB 130, and HB 171 (see the Legislative section above regarding a description of these bills). Should HB 130 or HB 171 be enacted, the Board would be required to promulgate administrative rules identifying those criminal offenses that satisfy a “substantially related” threshold for nurses, dialysis technicians, community health workers, and medication aides. C. Snyder stated she believes that these bills would move. D. Broadnax asked about the “criminal offense that is substantially related” phrase and how would it be defined. C. Snyder responded that the term is vague and is defined in the bill as requiring some nexus between the responsibilities associated with the license and the criminal offense.

J. Brachman requested that during the July meeting staff provide additional information about how HB 130 and HB 171 could impact disciplinary cases. The Board agreed by general consensus to discuss HB 130 and HB 171 at the July meeting.

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, TO EXTEND DISCUSSION FOR FIFTEEN MINUTES. MOTION ADOPTED BY UNANIMOUS VOTE OF BOARD MEMBERS PRESENT.

L. Klenke stated that funding of the provisions of SB 65 that would require the Board to establish a pre-licensure nursing education reimbursement program for nurses is a concern because of the number of new licensees the Board ratifies at each meeting. B. Houchen stated that the Board received inquiries from LSC asking about costs and staffing levels that would be needed to implement the proposal. The staff responded that it would be a huge cost and also explained that the Board works with the Ohio Board of Regents (OBR), which has systems in place to grant awards and gather data

for the NEALP program. Staff requested a meeting with the sponsor. J. McFee stated that LPNs should be addressed in SB 65, as it only addresses registered nurses.

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, TO EXTEND DISCUSSION FOR FIFTEEN MINUTES. MOTION ADOPTED BY UNANIMOUS VOTE OF BOARD MEMBERS PRESENT.

J. Boeckman asked about HB 85. C. Snyder stated that an alternative proposal was HB 2, which passed. J. Boeckman asked if HB 85 still contained the provisions about community colleges that would impact pre-licensure nursing education programs. C. Snyder responded that the bill did still include the provisions, but she does not expect it to move.

Board members asked about HB 200 that would require the Ohio Department of Health to license home health aides. C. Snyder stated the sponsor of this bill introduced it based on her personal experience with home health care. D. Broadnax asked about the purpose of HB 195 and C. Snyder stated she would follow-up on these bills.

#### **FISCAL REPORT**

The Board received the quarterly fiscal report reflecting fiscal data through the third quarter of the fiscal year. R. Booker and S. Thacker answered questions.

The NEGP fund showed disbursements of \$575,226.62. J. Brachman asked about distribution of NEGP funds each quarter. R. Booker responded that funds will again be disbursed on June 1, 2007 and this is the last disbursement of the first two-year grant period. S. Thacker responded that eighty percent of the funds are being spent and that funds not expended will be returned to the Board at the end of the grant cycle.

R. Booker commented about the end-of-year fund balances. She anticipates the remaining balances will decrease to twenty percent after the end of year purchases. J. Brachman commended staff for managing the funds and stated this end of year balance is excellent. R. Booker reported that she attended an OBM Fiscal Officer meeting where OBM stressed the budget climate for the next two fiscal years will be tight and the budget would need to be monitored closely to manage the quarterly allocations. S. Thacker added that one of the most significant changes will be that money not spent in one quarter cannot be moved to the next quarter, as in the past, making it more challenging to manage allotments each quarter. R. Booker stated that the fiscal staff is attending training sessions two to three times a week over the next two months to implement the new OAKS finance system, which becomes effective July 1, 2007.

### **Executive Session**

On Thursday, May 17, 2007:

IT WAS MOVED BY TERESA WILLIAMS, THAT THE BOARD GO INTO EXECUTIVE SESSION TO CONFER WITH LEGAL COUNSEL REGARDING PENDING AND IMMINENT COURT ACTION. FOLLOWING EXECUTIVE SESSION THE BOARD MEETING WILL BE ADJOURNED AND THE BOARD WILL DELIBERATE ON CASES PENDING BEFORE THE BOARD. MOTION ADOPTED BY A UNANIMOUS ROLL CALL VOTE OF THE BOARD MEMBERS PRESENT.

### **NEW BUSINESS**

#### **Legislative Initiatives**

Staff is in the final stages of working with Representative Flowers and the Legislative Services Commission (LSC) to draft language for revisions to the Nurse Practice Act (NPA), Chapter 4723. of the Revised Code. A memorandum summarizing the proposed revisions was provided to the Board.

#### **Budget Bill Update and Testimony**

The budget bill, House Bill 119, was passed by the House and includes the Board's budget as originally proposed by the Office of Budget and Management (OBM). B. Houchen testified in both the House and Senate regarding the provisions impacting the Board. Attached was the testimony provided to the Senate Finance and Financial Institutions Committee on May 2, 2007. The bill is presently under discussion in the Senate Finance Committee.

B. Houchen added that all of the legislative initiatives discussed by the Board were submitted to OBM as budget amendments and after discussion with President Krueger the criminal offense language was also included. OBM included language to amend Chapter 119. regarding publishing notices (*Porter*) and staff continues to work with OBM and the Medical Board regarding this language. H. Fischer noted that the House version of the budget bill did not contain wording requested by the Board regarding *Porter* and staff will work with OBM to amend the language. B. Houchen added that should any items become controversial or become an issue she will be in contact with President Krueger.

The Ohio Nurses Association (ONA) is seeking an amendment to the budget bill that would establish a Joint Legislative Study Committee to study the current nursing faculty shortage and shortage of clinical sites for nursing education programs. The Committee would submit a report to the General Assembly by December 31, 2008 and consist of three Representatives, three Senators, ONA, LPNAO, the Ohio Board of Nursing, the Ohio Board of Regents, the Ohio Hospital Association, and four nursing educators.

### **West Virginia Nursing Students**

The Board received a letter from the West Virginia Board regarding their concerns, as discussed at the Board Retreat. During the Retreat discussion, the Board agreed to propose a revision to ORC Section 4723.32 to address this situation. The revision would provide an exemption from nursing licensure in Ohio for nursing students enrolled in an education program approved by the West Virginia Board and practicing nursing in Ohio facilities, as part of their student clinical experience. The Board directed staff to pursue this statutory change as soon as possible. As a result, the Board is proposing this as an amendment to the budget bill. B. Houchen stated the amendment as drafted includes all states, not just contiguous states and the Board agreed by general consensus that this is what they intended.

### **Medication Aides**

House Bill 119, the budget bill as passed by the House, would amend Revised Code Sections 4723.621 through 4723.66 to extend the Medication Aide Pilot Program. The proposed language included in the budget bill is the same language that was agreed to by the Board and interested parties in late 2006, but did not pass in the lame duck session. In the meanwhile, long-term care industry representatives are proposing to replace the budget bill language with language that would require, through 2011, data reporting to the Board by facilities using medication aides, without an extension of the Pilot Program.

After conferring with C. Krueger and J. Brachman, the Board stated its position was to extend the Pilot Program, according to the language currently included in the budget bill; however, if new language was to be inserted, the Board offered proposed revisions to the language being discussed. B. Houchen stated that she had been in contact with representatives of the Ohio Department of Aging and their position continued to be to support the extension of the Pilot Program, as currently drafted in the budget bill. The Board agreed by consensus to continue to support the extension of the Pilot Program.

### **APN Schedule II Legislation**

The Board received information and a copy of the proposed legislation that would modify the authority of advanced practice nurses to prescribe Schedule II substances. The Ohio Association of Advanced Practice Nurses (OAAPN) provided the draft bill and other attached documents. Board staff reviewed the language and contacted OAAPN to work further with OAAPN and Representative Oelslager's office as follows:

- To provide clarity regarding implementation dates (lines 274-281);
- To discuss consistent language for "training," "instruction," and "contact hours" (lines 268-282);
- To establish a longer time period for the Board to promulgate rules (lines 308 and 314); and
- To clarify the impact of the proposed implementation timeline on CTP-E holders.

An OOAPN representative addressed the Board regarding this legislative initiative during the Open Forum (see the Open Forum section of the minutes.) D. Broadnax requested a list of examples of Schedule II drugs and a list was provided to the Board during the Friday meeting.

The Board agreed by general consensus to the concept of the legislation and asked staff to continue to work with OAAPN and Representative Oelslager to resolve the questions raised by Board staff, as stated above.

L. Klenke asked about APNs ordering Schedule II substances as chemical restraints. L. Emrich responded that OAAPN and the Ohio Hospital Association asked the Board about APNs ordering restraints. The Centers of Medicare and Medicaid Services (CMS) promulgate federal regulations regarding the ordering and use of restraints and related reimbursement to physicians and prescribing practitioners. CMS reviews the law of each state to determine whether APNs are "independent practitioners." If CMS determines APNs are independent practitioners, based on their review of state law, CMS then recognizes that APNs may order restraints under the federal reimbursement regulations. L. Emrich reported that there is a 2002 letter from CMS stating that based on Ohio law CMS does not recognize APNs as independent practitioners because Ohio law requires a collaborative agreement with physicians. Although the federal regulations have been revised, it would still be under the jurisdiction of CMS to make the determination regarding APNs being independent practitioners for the purpose of enforcing federal regulations.

#### **LSC Bill Version LSC-127-0063-4**

The Board received a hardcopy of the draft bill, LSC-127-0063-4, with handwritten mark-ups made by Board staff. This was the latest version received from Representative Flowers and the Legislative Services Commission (LSC). For a summary of the proposed revisions included in this document, the Board referred to the memo submitted under agenda item 2.1, Board Legislative Initiatives. The memo summarized and categorized the proposed revisions contained in the draft bill.

#### **NEALP Update Report**

B. Houchen reported that H. Fischer and S. Thacker met and have been working with the Ohio Board of Regents (OBR) staff. H. Fischer and S. Thacker reported on the issues discussed as follows:

- 1) Distribution of loan awards for potential nurse educators: S. Thacker reported that it has been confirmed and agreed by OBR that fifty percent of the loans are to be distributed to applicants seeking to become nurse educators.

- 2) Expected family contributions: In the next round of loans, OBR will evaluate the applicants as a group within each category and if they have indicated an expected family contribution they should still be eligible for a loan, which will increase the number of loans awarded. The OBR web site will be clarified regarding the impact of expected family contributions.
- 3) Potential law changes: Current law sets a minimum of \$5,000 for loan amounts. OBR is considering establishing a maximum amount. The total maximum is currently under discussion.
- 4) Loan application periods: Having two application periods is unique to NEALP and difficult to administer, therefore OBR is considering changing the program so there is only one loan application and award period per year, as is the common practice for other programs.
- 5) Interest rate: Another issue identified that may be discouraging applicants is an eight percent interest rate; five percent is a more common rate for student loans. OBR is looking into this.
- 6) Loan forgiveness: OBR will clarify on their web site that if a grantee works as an educator, either full time or part time, the loan will be forgiven.

H. Fischer added that clarifying the law and web site materials should ensure the appropriate application of criteria for awarding loans under the current statute. Representatives from nursing programs also attended the last meeting to discuss marketing NEALP to students through the financial aid and nursing program administrative offices. J. Boeckman is interested in attending their next meeting.

J. Brachman restated her concern regarding OBR awarding as much money as they could. S. Thacker responded that after reviewing the last reports he believes OBR awarded most of the funds in the first period; however, in the second period a higher percentage was not awarded. H. Fischer added that another related issue is that there has not been enough nurse educator applicants. She further stated she believes that this may be remedied through better marketing of information about loan forgiveness.

A. Barnett suggested placing an article in *Momentum*. S. Thacker responded that information has been included in the last two issues and that the new information regarding clarification on eligibility can be included in the next issue. B. Houchen added that ongoing articles would be included in *Momentum* as the staff meets with OBR and the issues are clarified. A. Barnett requested a copy of the new information shared at this meeting. She stated that she appreciated the staff meeting with OBR to clarify the issues.

### **Strategic Plan Review**

The Board received a revised version of the Strategic Plan, as discussed at the Board Retreat. J. Brachman recommended changing the language in several areas to "licensees and certificate holders." J. Brachman asked about the percentage successfully completing the terms and conditions of their Consent Agreement, Board Orders, PIIP, or AP. L. Emrich stated that if a high percentage of individuals were not successfully completing then the Board could look at the eligibility criteria for the alternative programs and also look at the consent agreements. J. Brachman suggested adding an explanation stating the intent of the outcome measures. L. Klenke suggested the Board could state in the outcome measures section what the expected action would be if the threshold percentage is not met. B. Houchen asked if inserting "when the percentages are not met the Board would evaluate the program processes and requirements" which could be applied to all programs or functions. The Board agreed by general consensus to the addition.

L. Klenke suggested adding information in the introduction that identifies how the Board promotes patient safety and is proactive. The Board agreed by general consensus to add the suggested activities to illustrate proactive measures that help fulfill the Board's mission.

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY DEBRA BROADNAX, THAT THE BOARD ACCEPT THE STRATEGIC PLAN, AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

## **APPROVALS**

### **Nursing Education Programs**

#### **New Program Approvals**

##### **Galen College of Nursing - Associate of Science in Nursing, Cincinnati**

The Board reviewed a summary report of a survey visit conducted by J. Smallwood on April 11, 2007 for the proposed new nursing education program, Galen College of Nursing - Associate of Science in Nursing, Cincinnati. Program representatives were present to answer questions of the Board. Following review and discussion;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY DEBRA BROADNAX, THAT THE BOARD GRANT CONDITIONAL APPROVAL TO THE GALEN COLLEGE OF NURSING - ASSOCIATE OF SCIENCE IN NURSING PROGRAM, CINCINNATI, EFFECTIVE MAY 17, 2007. THE PROGRAM HAS MET THE REQUIREMENTS SET FORTH IN CHAPTER 4723-5, OAC, AND HAS PROVIDED ALL INFORMATION REQUIRED BY RULE 4723-5-08(C), OAC. IT WAS FURTHER MOVED THAT THE PROGRAM SUBMIT A CONDITIONAL APPROVAL PROGRESS REPORT TO THE BOARD ON OR BEFORE JANUARY 15, 2008 AND JANUARY 15, 2009. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Galen College of Nursing - Practical Nursing Program, Cincinnati**

The Board reviewed a summary report of a survey visit conducted by J. Smallwood on April 11, 2007 for the proposed new nursing education program, Galen College of Nursing – Practical Nursing Program, Cincinnati. Program representatives were present to answer questions of the Board. Following review and discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY J. JANE MCFEE, THAT THE BOARD GRANT CONDITIONAL APPROVAL TO THE GALEN COLLEGE OF NURSING – PRACTICAL NURSING PROGRAM, CINCINNATI, EFFECTIVE MAY 17, 2007. THE PROGRAM HAS MET THE REQUIREMENTS SET FORTH IN CHAPTER 4723-5, OAC, AND HAS PROVIDED ALL INFORMATION REQUIRED BY RULE 4723-5-08(C), OAC. IT WAS FURTHER MOVED THAT THE PROGRAM SUBMIT A CONDITIONAL APPROVAL PROGRESS REPORT TO THE BOARD ON OR BEFORE JANUARY 15, 2008 AND APRIL 15, 2008. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Athena Career Academy, Toledo**

The Board reviewed a summary report of a survey visit conducted by J. Zurmehly on April 18, 2007 for the proposed new nursing education program, Athena Career Academy, Toledo. The purpose of the survey visit was to verify the accuracy of the information presented in the proposal for establishing a new nursing education program. Program representatives were present to answer questions of the Board. Following review and discussion;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY KATHLEEN O'DELL, THAT THE BOARD GRANT CONDITIONAL APPROVAL TO THE ATHENA CAREER ACADEMY SCHOOL OF PRACTICAL NURSING, TOLEDO, EFFECTIVE MAY 17, 2007. THE PROGRAM HAS MET THE REQUIREMENTS SET FORTH IN CHAPTER 4723-5, OAC, AND HAS PROVIDED ALL INFORMATION REQUIRED BY RULE 4723-5-08(C), OAC. IT WAS FURTHER MOVED THAT THE PROGRAM SUBMIT A CONDITIONAL APPROVAL PROGRESS REPORT TO THE BOARD ON OR BEFORE FEBRUARY 11, 2008. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

E. Buschmann asked if there was a need in the area for another new program with three programs already in that area. L. Emrich responded that the Board does not have a rule that limits the number of schools in any area. This program meets all of the requirements for conditional approval at this time for start up of a new program and the success of the program depends upon business decisions. A. Barnett agreed with E. Buschmann's comments and is also concerned with the saturation of new programs in light of the shortage of educators and clinical sites, in addition to the existing programs. C. Krueger commented that this item could be something to look at under the education rule review. J. Jane McFee agreed and believes that RN programs also need to be looked at in the future.

**Miami University Bachelor of Science in Nursing Program, Hamilton**

The Board reviewed a summary report of a survey visit conducted by J. Zurmehly on April 23, 2007, for the proposed new nursing education program, Miami University Bachelor of Science in Nursing Program, Hamilton. The purpose of the survey visit was to verify the accuracy of the information presented in the proposal for establishing a new nursing education program. Program representatives were present to answer questions of the Board. Following review and discussion;

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY JUDITH BRACHMAN, THAT THE BOARD GRANT CONDITIONAL APPROVAL TO THE MIAMI UNIVERSITY BACHELOR OF SCIENCE IN NURSING PROGRAM, HAMILTON EFFECTIVE MAY 17, 2007. THE PROGRAM HAS MET THE REQUIREMENTS SET FORTH IN CHAPTER 4723-5, OAC, AND HAS PROVIDED ALL INFORMATION REQUIRED BY RULE 4723-5-08(C), OAC. IT WAS FURTHER MOVED THAT THE PROGRAM SUBMIT A CONDITIONAL APPROVAL PROGRESS REPORT TO THE BOARD ON OR BEFORE DECEMBER 10, 2009. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Determination of Program Approval Status**

**Aultman College of Nursing and Health Sciences, Canton**

The Board reviewed the summary report of the March 26-28, 2007 survey visit conducted by J. Smallwood to the Aultman College of Nursing and Health Sciences, Canton, to determine approval status. Program representatives were present to answer questions. Following review and discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY J. JANE MCFEE, THAT THE BOARD GRANT AULTMAN COLLEGE OF NURSING AND HEALTH SCIENCES, CANTON, FULL APPROVAL BASED ON THE SURVEY VISIT REPORT AND THE PROGRAM'S RESPONSE TO THE REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Bryant & Stratton College, Willoughby Hills**

The Board reviewed the summary report of the March 13-15, 2007 survey visit conducted by J. Smallwood and J. Zurmehly to the Bryant & Stratton College, Willoughby Hills, to determine approval status. Program representatives were present to answer questions. Following review and discussion;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY DEBRA BROADNAX, THAT THE BOARD GRANT BRYANT & STRATTON COLLEGE, WILLOUGHBY HILLS, FULL APPROVAL BASED ON THE SURVEY VISIT REPORT AND THE PROGRAM'S RESPONSE TO THE REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Xavier University Master of Science in Nursing: Direct Entry as Second Degree, Cincinnati**

The Board reviewed the summary report of the April 18-20, 2007 survey visit conducted by J. Zurmehly to the Xavier University Master of Science in Nursing: Direct Entry as Second Degree, Cincinnati, to determine approval status. Program representatives were present to answer questions. Following review and discussion;

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY ANNE BARNETT, THAT THE BOARD GRANT XAVIER UNIVERSITY MASTER OF SCIENCE IN NURSING: DIRECT ENTRY AS SECOND DEGREE, CINCINNATI, FULL APPROVAL BASED ON THE SURVEY VISIT REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Sandusky Career Center School of Practical Nursing, Sandusky**

The Board reviewed the summary report of the January 8-9, 2007 survey visit conducted by K. Hill to the Sandusky Career Center School of Practical Nursing, Sandusky, to determine approval status. Program representatives were present to answer questions. Following review and discussion;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY PATRICIA BURNS, THAT THE BOARD GRANT SANDUSKY CAREER CENTER SCHOOL OF PRACTICAL NURSING, SANDUSKY, FULL APPROVAL BASED ON THE SURVEY VISIT REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**The Community Hospital School of Nursing, Springfield**

The Board reviewed the summary report of the March 20-21, 2007 survey visit conducted by J. Smallwood and J. Zurmehly to The Community Hospital School of Nursing, Springfield, to determine approval status. Program representatives were present to answer questions. Following review and discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY J. JANE MCFEE, THAT THE BOARD GRANT THE COMMUNITY HOSPITAL SCHOOL OF NURSING, SPRINGFIELD, FULL APPROVAL BASED ON THE SURVEY VISIT REPORT AND THE PROGRAM'S RESPONSE TO THE REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Clark State Community College, Practical Nursing Program, Springfield**

The Board reviewed the summary report of the January 24-26, 2007 survey visit conducted by J. Smallwood and J. Zurmehly to the Clark State Community College, Practical Nursing Program, Springfield, to determine approval status. Program representatives were present to answer questions. Following review and discussion;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY DEBRA BROADNAX, THAT THE BOARD PLACE CLARK STATE COMMUNITY COLLEGE SCHOOL OF PRACTICAL NURSING, SPRINGFIELD, ON PROVISIONAL APPROVAL FOR A PERIOD OF ONE YEAR BASED ON THE SURVEY VISIT REPORT AND THE PROGRAM'S RESPONSE TO THE REPORT. IT WAS FURTHER MOVED THAT THE PROGRAM SUBMIT PROGRESS REPORTS TO THE BOARD THAT ADDRESS THE PROGRAM'S COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 4723-5, OAC, ON OR BEFORE APRIL 15, 2008. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Clark State Community College, Associate Degree, Springfield**

The Board reviewed the summary report of the January 24-26, 2007 survey visit conducted by J. Smallwood and J. Zurmehly to the Clark State Community College, Associate Degree, Springfield, to determine approval status. Program representatives were present to answer questions. J. Jane McFee asked about the program NCLEX pass rates dropping in 2006. Program representative(s) stated they are reviewing the drop of the NCLEX pass rates in conjunction with their decision to eliminate practice examinations.

Following review and discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY KATHLEEN O'DELL, THAT THE BOARD GRANT CLARK STATE COMMUNITY COLLEGE, ASSOCIATE DEGREE, SPRINGFIELD, FULL APPROVAL BASED ON THE SURVEY VISIT REPORT AND THE PROGRAM'S RESPONSE TO THE REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Medication Aide Pilot Program**

**Facilities (RCFs) - The Sanctuary at Tuttle Crossing, Dublin**

The Board received a Medication Aide Residential Care Facility Application submitted by The Sanctuary at Tuttle Crossing, Dublin, for the Board's consideration and approval. A document summarizing the application was also provided. Following review;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD APPROVE THE SANCTUARY AT TUTTLE CROSSING, DUBLIN, AS A RESIDENTIAL CARE FACILITY IN THE MEDICATION AIDE PILOT PROGRAM. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Nursing Home – Avon Oaks Caring Community, Avon**

The Board received a Medication Aide Nursing Home Facility Application submitted by Avon Oaks Caring Community, Avon, for the Board's consideration and approval. A document summarizing the application was also provided. Following review;

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY ELIZABETH BUSCHMANN, THAT AVON OAKS CARING COMMUNITY, AVON IS INELIGIBLE TO PARTICIPATE IN THE MEDICATION AIDE PILOT PROGRAM AS THE OHIO DEPARTMENT OF HEALTH'S SURVEY OF THE NURSING HOME REVEALS IT IS NOT FREE OF DEFICIENCIES RELATED TO MEDICATION ADMINISTRATION IN ITS LAST TWO SURVEY VISITS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

### **Training Programs**

#### **Bradley Bay Health Center, Bay Village**

The Board received a Medication Aide Training Program Application submitted by Bradley Bay Health Center, Bay Village, for the Board's consideration and approval. A document summarizing the application was also provided. Following review;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY J. JANE MCFEE, THAT THE BOARD APPROVE BRADLEY BAY HEALTH CENTER, BAY VILLAGE, AS A MEDICATION AIDE TRAINING PROGRAM FINDING THAT THE PROGRAM HAS MET THE REQUIREMENTS OF RULE 4723-27-07, OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

#### **Tolles Career and Technical Center, Plain City**

The Board received a Medication Aide Training Program Application submitted by Tolles Career and Technical Center, Plain City, for the Board's consideration and approval. A document summarizing the application was also provided. Following review;

IT WAS MOVED BY JANET L. BOECKKMAN, SECONDED BY J. JANE MCFEE, THAT THE BOARD APPROVE TOLLES CAREER AND TECHNICAL CENTER, PLAIN CITY, AS A MEDICATION AIDE TRAINING PROGRAM FINDING THAT THE PROGRAM HAS MET THE REQUIREMENTS OF RULE 4723-27-07, OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

### **Retroactive Approvals for Licensees/Certificate Holders**

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY LISA KLENKE, THAT THE BOARD RETROACTIVELY RATIFY, AS AMENDED, THE LICENSES AND CERTIFICATES INITIALLY ISSUED BY THE BOARD MARCH 1, 2007 THROUGH APRIL 30, 2007 TO THE FOLLOWING: REGISTERED NURSES, LICENSED PRACTICAL NURSES, CERTIFICATES OF AUTHORITY TO CERTIFIED REGISTERED NURSE ANESTHETISTS, CERTIFIED NURSE MIDWIVES, CERTIFIED NURSE PRACTITIONERS, AND CLINICAL NURSE SPECIALISTS, ALL CERTIFICATES TO PRESCRIBE (CTP AND CTP-EXTERNSHIP), OHIO CERTIFIED DIALYSIS TECHNICIANS AND MEDICATION AIDE PILOT PROGRAM CERTIFICATES, TAKING INTO ACCOUNT THOSE LICENSES AND CERTIFICATES SUBJECT TO DISCIPLINE, SURRENDER OR

NON-RENEWAL. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT.

T. Williams noted an omission on Page 35 that an "RX #" was missing for Abigail Marie Reidell.

### **Continuing Education Approver**

#### **Omnicare, Great Lakes Region, OBN-009-93**

L. Halliburton made a site visit to OBN Approver, Omnicare, and recommended their re-approval as an OBN Approver.

IT WAS MOVED BY ANNE BARNETT, SECONDED BY ELIZABETH BUSCHMANN, THAT THE BOARD REAPPROVE OMNICARE, GREAT LAKES REGION, #OBN-009-93, AS AN OBN APPROVER OF CONTINUING EDUCATION THROUGH MAY 31, 2010, IN ACCORDANCE WITH RULE 4723-14-10, OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

## **ADJUDICATION AND COMPLIANCE**

### **NOTICES OF OPPORTUNITY FOR HEARINGS**

On Friday, May 18, 2007, the Board considered the following proposed Notices of Opportunity for Hearing that were reviewed by Board members:

IT WAS MOVED BY DEBRA BROADNAX, 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): COLE, LAURA, K., R.N. 273994 (CASE #06-2435); BILBREY, DEANNA, E., R.N. 302810 (CASE #06-1773); BROWN, JAIMIE, J., R.N. 280013 (CASE #07-0301); WELCH, CASSANDRA, N., R.N. 240990 (CASE #06-0765); MONTGOMERY, JENNIFER, L., P.N. 105943 (CASE #06-1145); KOPRIVA, CYNTHIA, L., P.N. 100641 (CASE #06-1617); BARTOE, CARMEN, P.N. 117319 (CASE #06-1078); DOREMUS, ANTHONY, R., P.N. 100921 (CASE #06-0249); MCMULLEN, WENDY, L., R.N. 303061 (CASE #07-0505); SCHULTZ, HOLLY, A., P.N. 103685 (CASE #07-0560); TAYLOR, STANLEY, R., P.N. 113801 (CASE #07-1119); BRADY, WILLIAM, C., R.N. 248086 (CASE #07-1364); ALLEY, LISA, M., P.N. 111133 (CASE #07-0714); RACE, DAVID, L., R.N. 322363 (CASE #07-0230); KOTTKE, CYNTHIA, M., R.N. 264942 (CASE #06-3461); SIMPSON, GARY, M., R.N. 189020 (CASE #06-3054); SORENSEN, LINDA, I., R.N. 244144 (CASE #06-1381); HARVEY, REBECCA, J., R.N. 101766 (CASE #03-2155); GREGORY, YOLANDA, M., P.N. 114328 (CASE #06-2636); WHITT, DEBORAH, J., P.N. 092950 (CASE #06-3509); PALMER, ALLYN, L., P.N. 106025 (CASE #07-0779); FAULKNER, STACY, R., R.N. 320806 (CASE #06-0709); HITCHCOCK, LYNNE, A., R.N. 193188 (CASE #07-0891); WARD, SHARON, R., R.N. 297629 (CASE #05-3140); STEWART, ARVELLA, J., D.T. TECH (CASE #06-2642); KARNs, TIFFANY, M., R.N. 261616 (CASE #06-2106); GARCEAU, BRENDA, J., P.N.

080633 (CASE #04-0829); DENNISON, DEBORAH, L., P.N. NCLEX (CASE #06-3394); CARTER, SANDRA, L., P.N. 081567 (CASE #07-0287); NADER, KARENSUE, W., R.N. 171800 (CASE #06-1739); BROWN, TAMARA, D., P.N. 089302 (CASE #07-1330); ABRAMS, BRENDA, K., P.N. 047008 (CASE #06-1632); SHELTON, ANGELIA, D., P.N. 115139 (CASE #06-1667); TEDFORD, CHRISTOPHER, P., P.N. 077448 (CASE #06-3188); SHAFER, DAVID, L., R.N. 201967 (CASE #07-1046) AND CROUSE, LAWRENCE, F., R.N. 253326 (CASE #06-2825). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. PARTICIA BURNS AND DEBRA BROADNAX ABSTAINED ON ALL CASES. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT.

Complete copies of the Notices of Opportunity for Hearing shall be maintained in the exhibit book for the May 2007 Board meeting.

#### **IMMEDIATE SUSPENSIONS AND NOTICE FOR OPPORTUNITY**

IT WAS MOVED BY LISA KLENKE, SECONDED BY PATRICIA BURNS, THAT THE BOARD ISSUE A NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING FOR VIOLATIONS OF CHAPTER 4723. ORC FOR THE FOLLOWING CASE(S): WATTS, GWENDOLYN, P.N. 056265 (CASE #06-0733); BUHALAK, MIRIAM, A., R.N. 324002 (CASE #06-3049); NORMAN, MICHAEL, S., R.N. 276717 (CASE #05-2322); SMITH, RACHAEL, M., P.N. 121330 (CASE #07-0128); LONG, ALETHEA, J., P.N. 092281 (CASE #06-2970); COX, STACEY, L., R.N. 246252 (CASE #05-2728); BLAND, BRITTANY, N., P.N. 110605 (CASE #07-1443); MOTLEY, JESSICA P.N. 112463 (CASE #07-1106); SWEDA, PAULA, M., R.N. 199359 (CASE #06-1637) AND GALLOWAY-SPENCER, CARMEN, L., R.N. 327947 (CASE #06-3293). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ANNE BARNETT ABSTAINED ON NORMAN, MICHAEL, S., R.N. 276717 (CASE #05-2322). DEBRA BROADNAX ABSTAINED ON ALL CASES. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT.

Complete copies of the Notices of Immediate Suspension and Opportunity for Hearing shall be maintained in the exhibit book for the May 2007 Board meeting.

#### **AUTOMATIC SUSPENSIONS AND NOTICE FOR OPPORTUNITY**

IT WAS MOVED BY ANNE BARNETT, SECONDED BY ELIZABETH BUSCHMANN, THAT THE BOARD ISSUE A NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING FOR VIOLATIONS OF CHAPTER 4723. ORC FOR THE FOLLOWING CASE(S): FRANCISCO, ELAINE, K., R.N. 156078 (CASE #07-0691); KIRSCHBAUM, TRACI, A., R.N. 259419 (CASE #07-0833); MARTIN, MONA, R., R.N. 202243 (CASE #07-1339); MCELROY, JEFF, W., R.N. 250454 (CASE #07-0672); TAYLOR, LORI, M., R.N. 283396 (CASE #07-1105); SWERLEIN, MELVIN, L., R.N. 180135 (CASE #07-1435); MCCAIN, DEBBIE, A., P.N. 083777 (CASE #07-1201); JOHNSON, KELLY, JO, P.N. 106506 (CASE #07-1311); KINZER, JEANNIE, E., P.N. 111286 (CASE #07-1292); EDWARDS, ASIA, Y., P.N. 118638 (CASE #07-0915); DENT, CHERYL, D., P.N. 072528 (CASE #07-1437); PERRY-POTEET,

PAMELA, A., R.N. 243134 (CASE #07-1387); LOWE, JULIA, L., P.N. 083348 (CASE #07-0370); GENIS, BARBARA, E., R.N. 256769 (CASE #07-0674) AND HAYWARD, TAMEA, R., P.N. 121102 (CASE #07-1414). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED ON ALL CASES.

Complete copies of the Notices of Automatic Suspension and Opportunity for Hearing shall be maintained in the exhibit book for the May 2007 Board meeting.

### **SUMMARY SUSPENSION AND NOTICE FOR OPPORTUNITY**

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THERE IS CLEAR AND CONVINCING EVIDENCE THAT CONTINUED PRACTICE BY THE FOLLOWING LICENSEES PRESENTS A DANGER OF IMMEDIATE AND SERIOUS HARM TO THE PUBLIC. THEREFORE, THE BOARD MOVED TO SUMMARILY SUSPEND THE LICENSES AND ISSUE A NOTICE OF OPPORTUNITY FOR HEARING FOR VIOLATIONS OF CHAPTER 4723 ORC: KELLEY, AARON, T., P.N. 113646 (CASE #07-0908) RETROACTIVE TO DATE ISSUED; DANGUR, HADAS, H., P.N. 099441 (CASE #07-0552); HOULIHAN, LISA, L., P.N. 119476 (CASE #07-0548) AND PRESTON, CHARITY, A., P.N. 104941 (CASE #07-1455). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. CYNTHIA KRUEGER AND DEBRA BROADNAX ABSTAINED ON ALL CASES.

### **SURRENDERS**

#### **PERMANENT VOLUNTARY SURRENDERS**

IT WAS MOVED BY PATRICIA BURNS, SECONDED BY LISA KLENKE, THAT THE BOARD ACCEPT THE PERMANENT VOLUNTARY SURRENDER OF LICENSE FOR THE FOLLOWING CASE(S): LEWIS, BRENDA, R., P.N. 067329 (CASE #05-0195); HIDO, KARL, J., P.N. 098521 (CASE #06-0136); DAVIS, KIMBERLY, N., R.N. 312270 (CASE #05-1623) AND ZIMMER, BONNIE, J., P.N. 060328 (CASE #07-1262). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED ON ALL CASES.

Complete copies of the Voluntary Surrenders shall be maintained in the exhibit book for the May 2007 Board meeting.

#### **WITHDRAWALS OF APPLICATIONS**

##### **VOLUNTARY NON-PERMANENT WITHDRAWAL OF NCLEX-EXAMINATION APPLICATION**

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY ANNE BARNETT, THAT THE BOARD ACCEPT THE VOLUNTARY NON-PERMANENT WITHDRAWAL OF APPLICATION FOR LICENSURE BY NCLEX-EXAMINATION FOR THE FOLLOWING CASE(S): HALL, RHONDA, G., R.N. NCLEX (CASE #07-

1147); AKIL, NAIM, P.N. NCLEX (CASE #07-0257) AND JOHNSTON, JENNIFER, M., P.N. NCLEX (CASE #07-0387). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED ON ALL CASES.

#### **VOLUNTARY NON-PERMANENT WITHDRAWAL OF ENDORSEMENT APPLICATION**

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY J. JANE MCFEE, THAT THE BOARD ACCEPT THE VOLUNTARY NON-PERMANENT WITHDRAWAL OF APPLICATION FOR LICENSURE BY ENDORSEMENT FOR THE FOLLOWING CASE(S): DEVLIN, THOMAS, J., R.N. ENDORSE (CASE #06-2784); PAAR, PRISCELLA, K., R.N. ENDORSE (CASE #07-0478) AND KAIB, SUSAN, P., R.N. ENDORSE (CASE #06-2662). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED ON ALL CASES.

#### **VOLUNTARY PERMANENT WITHDRAWAL OF ENDORSEMENT APPLICATION**

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY ANNE BARNETT, THAT THE BOARD ACCEPT THE VOLUNTARY PERMANENT WITHDRAWAL OF APPLICATION FOR LICENSURE BY ENDORSEMENT FOR THE FOLLOWING CASE(S): O'CONNOR, KEVIN, P., P.N. ENDORSE (CASE #07-1178). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED.

#### **CONSENT AGREEMENTS**

On Friday, May 18, 2007, the Board considered the terms of the following proposed consent agreements that were reviewed by Board members:

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD APPROVE THE CONSENT AGREEMENTS FOR VIOLATIONS OF CHAPTER 4723. ORC ENTERED INTO BY AND BETWEEN THE BOARD AND THE FOLLOWING LICENSEES: DIBIASE, HEATHER, L., P.N. 102599 (CASE #06-0507); KOEHLER, JANET, E., P.N. 068718 (CASE #05-3436); COLLINS, TIFFANY, R., R.N. 274576 (CASE #07-0615); HANEY, TERESA, L., P.N. 089818 (CASE #06-2024); COLLINS, CHRISTOPHER, G., R.N. 296407 (CASE #03-0558); BELCHER, JANUARY, A., R.N. NCLEX (CASE #07-0075); NEVILLE, LIZA, S., P.N. NCLEX (CASE #07-0219); POWNELL, BONNIE, E., R.N. 258879 (CASE #05-2717); RECIO, PAULINE, J., P.N. NCLEX (CASE #06-3005); CONRAD, CECIL, W., P.N. 091277 (CASE #00-0373); LUTZ, JENNIFER, L., D.T. 01659 (CASE #07-0822); BUTLER, ELIZABETH, A., P.N. 121131 (CASE #06-3474); WILLIAMS-JOHNSON, IRMA, J., P.N. 091072 (CASE #06-1956); MCMILLAN, ERIN, C., R.N. NCLEX (CASE #06-1398); WARDLOW, DEBORAH, R., P.N. 088715 (CASE #03-1875); PECK, STEPHANIE, M., R.N. 260516 (CASE #06-1207); GLENN, MICAH, E., R.N.

280079 (CASE #06-3299); FORBES, KATRINA, P.N. NCLEX (CASE #07-0401); HERZOG, ROBIN, L., P.N. 091793 (CASE #05-2707); MILLER, MAKISHA, L., P.N. NCLEX (CASE #06-3307); GARTRELL, KIMBERLY, V., MAP APPLICANT (CASE #07-0140); POTTS, LEE, P.N. 054482 (CASE #04-2744); MCCREARY, KARI, A., R.N. 320317 (CASE #07-0677); BROWN, MARTHA, P.N. 019840 (CASE #06-2273); NEWKIRK, PAMELA, S., R.N. 221808 (CASE #07-0617); PIQUET, LISA, L., P.N. 097040 (CASE #02-0034); LAWSON, CINDY, M., R.N. 263545 (CASE #06-1391); JOYNER, FRANCES, E., P.N. 092928 (CASE #07-1058); BARDNEY, KRISTINA, M., P.N. NCLEX (CASE #06-2554); DAY, CLARISSA, M., R.N. NCLEX (CASE #07-0500); BACHTEL, KYLE, A., R.N. 306950 (CASE #06-2491); HARTLEY, MEREDITH, M., P.N. 116257 (CASE #06-3550); FROHMAN, ALMA, M., P.N. 101044 (CASE #03-1683); ATKINSON, DARLENE, W., P.N. 081245 (CASE #06-3303); MICHETTI, STEPHANIE, M., P.N. 113313 (CASE #04-1233); MCNEAL, SUZANNE, R., R.N. 240662 (CASE #06-2605); GILLES, MADOLYN, J., P.N. 084351 (CASE #05-1456); KELLUM, GALE, M., R.N. 281643 (CASE #06-1963); SNYDER, BRENDA, L., P.N. 066013 (CASE #06-2787); CONSTANTINO, LISA, R.N. ENDORSE (CASE #07-0357); VOGEL, PATRICIA, K., R.N. 228648 (CASE #07-1274); ARMSTRONG, KELLY, A., R.N. 255774 (CASE #04-2464); HODSON, BETH, A., P.N. 111500 (CASE #04-0240); CRAFT, NATALIE, M., P.N. 085716 (CASE #06-2829); MAMON, SARAH JANE, A., R.N. ENDORSE (CASE #06-3501); LOCHRIDGE, JAMES, T., R.N. 225933 (CASE #07-0005); WYCKOFF, ERIN, M., R.N. NCLEX (CASE #06-3487); BENDER, TAMMY, L., R.N. 304968 (CASE #07-1030); STONE, KAREN, L., P.N. NCLEX (CASE #07-0509); MAHAN, MONICA, L., P.N. 065427 (CASE #07-0856); JUDY, ANNABELLE, L., R.N. 211072 (CASE #04-0727); COLE, AMY, M., R.N. 285641 (CASE #06-1975); BRISBY, TAWANA, L., P.N. NCLEX (CASE #06-2527); PATTON, LAURICE, R., P.N. 098350 (CASE #05-2541); DAUGHERTY, LISA, L., P.N. ENDORSE (CASE #06-3263); MAKOWSKI, DEBRA, A., P.N. 073629 (CASE #07-0836); EVANS, NATALIE, P.N. 075430 (CASE #06-1071); COLADONATO, KATHLEEN, E., R.N. 188222 (CASE #06-3148); POST, ALLISON, M., R.N. 329821 (CASE #07-0916); CLARK, SHERRY, E., R.N. 117160 (CASE #06-2837); PERRY, ANGELA, M., P.N. NCLEX (CASE #07-0350); CLARK, SANDRA, E., R.N. 158718 (CASE #07-0675); OWENS, KARRIE, A., R.N. 300238 (CASE #05-3201); BUJAKOWSKI, RAVEN, R.N. 302818 (CASE #06-3157); MITCHELL, PAMELA, G., R.N. 191562 (CASE #02-1549); ADCOCK, JOSEPH, M., R.N. 290525 (CASE #05-0843); SEIBER, AMY, L., R.N. 286835 (CASE #07-0831); FOX, ELLEN, M., P.N. 066071 (CASE #07-0477); UTENDORF, KIMBERLY, A., R.N. 311092 (CASE #07-0086); ADAMSON, NANCY, A., P.N. 075635 (CASE #06-3111); BECKWITH, CAROLINE, L., R.N. ENDORSE (CASE #07-1235); RINE, PATRICIA, E., R.N. 258556 (CASE #06-3140); DOUGLAS, SANDRA, J., R.N. 271505 (CASE #06-3479); SWAIN-POLLARD, MARY, E., P.N. 121676 (CASE #07-0359); HUGHES, ELAINE, J., R.N. 100047 (CASE #07-1382); PERZYNSKI, KATHRYN, R., R.N. 213814 (CASE #04-0705); PRELL, AUDREY, JO, R.N. 209605 (CASE #07-0763); MOMPER, KIM, S., R.N. 170632 (CASE #07-1380); GOODMAN, FELICIA, I., P.N. 114123 (CASE #06-0658); RAKE, LISA, K., R.N. 313715 (CASE #06-0062); ANDRIX, EILEEN, C., P.N. ENDORSE (CASE #06-3180); JOHNSON,

JODI, E., R.N. 234782 (CASE #03-1362); OSBORNE, CHRISTOPHER, A., P.N. 113852 (CASE #07-1310); PERKSON, CYNTHIA, J., R.N. 119529 (CASE #06-2822); REID, VIOLET, J., P.N. 111429 (CASE #06-2025); WEBER, NANCY, N., R.N. 277753 (CASE #06-2741); MARCUM, DELMA, M., R.N. 216242 (CASE #06-0692); ADKINS, AMY, M., R.N. 317985 (CASE #06-2506); ALCO, ALICE, R., R.N. 191811 (CASE #06-3464); CSONGEI, CATHERINE, M., R.N. 212428 (CASE #06-2078); LUCKINO, KRISTA, L., R.N. 273841 (CASE #06-3179) AND NAGY, MONICA, M., D.T. 01267 (CASE #06-2990). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ANNE BARNETT OPPOSED ON THE FOLLOWING CASE(S): NEWKIRK, PAMELA, S., R.N. 221808 (CASE #07-0617). PATRICIA BURNS OPPOSED ON THE FOLLOWING CASE(S): JUDY, ANNABELLE, L., R.N. 211072 (CASE #04-0727); FROHMAN, ALMA, M., P.N. 101044 (CASE #03-1683); DAY, CLARISSA, M., R.N. NCLEX (CASE #07-0500) AND SNYDER, BRENDA, L., P.N. 066013 (CASE #06-2787). ELIZABETH BUSCHMANN OPPOSED ON THE FOLLOWING CASE(S): ANDRIX, EILEEN, C., P.N. ENDORSE (CASE #06-3180). JUDITH BRACHMAN OPPOSED ON THE FOLLOWING CASE(S): KOEHLER, JANET, E., P.N. 068718 (CASE #05-3436); RECIO, PAULINE, J., P.N. NCLEX (CASE #06-3005); WILLIAMS-JOHNSON, IRMA, J., P.N. 091072 (CASE #06-1956); WARDLOW, DEBORAH, R., P.N. 088715 (CASE #03-1875); JOYNER, FRANCES, E., P.N. 092928 (CASE #07-1058); BARDNEY, KRISTINA, M., P.N. NCLEX (CASE #06-2554); RINE, PATRICIA, E., R.N. 258556 (CASE #06-3140); SWAIN-POLLARD, MARY, E., P.N. 121676 (CASE #07-0359) AND WEBER, NANCY, N., R.N. 277753 (CASE #06-2741). JANET L. BOECKMAN ABSTAINED ON THE FOLLOWING CASE(S): BARDNEY, KRISTINA, M., P.N. NCLEX (CASE #06-2554) AND BACHTEL, KYLE, A., R.N. 306950 (CASE #06-2491). KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED ON ALL CASES.

Complete copies of the Consent Agreement(s) shall be maintained in the exhibit book for the May 2007 Board meeting.

#### **NO REQUEST FOR HEARING CASES**

##### **BIGGS, DORENA, L., R.N. 163171 (CASE #06-1673)**

IT WAS MOVED BY ANNE BARNETT, SECONDED BY ELIZABETH BUSCHMANN, IN THE MATTER OF DORENA BIGGS, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. BIGGS IN THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. BIGGS 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 THAT DORENA BIGGS' LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS DORENA BIGGS TO SURRENDER HER REGISTERED NURSE LICENSE #R.N. 163171 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 18<sup>TH</sup> DAY OF MAY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the May 2007 Board meeting.

**EFAW, ANGELA, K., P.N. 113980 (CASE #06-1711)**

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY ANNE BARNETT, IN THE MATTER OF ANGELA EFAW, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. EFAW IN THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. EFAW 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 THAT ANGELA EFAW'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN TWO (2) YEARS RETROACTIVE TO JULY 2006, WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND THAT FOLLOWING REINSTATEMENT MS. EFAW SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF TWO (2) YEARS AND THE TEMPORARY PRACTICE RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. EFAW SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. EFAW SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. EFAW 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. EFAW'S HISTORY. MS. EFAW SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. EFAW SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. EFAW SHALL, AT HER OWN EXPENSE, SEEK 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. EFAW SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER AND THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING. FURTHER, MS. EFAW 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. EFAW 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. EFAW'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF SIX (6) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. EFAW 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. EFAW'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. EFAW SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. EFAW'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. EFAW INITIATING DRUG SCREENING, MS. EFAW 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. EFAW.

AFTER INITIATING DRUG SCREENING, MS. EFAW 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. EFAW 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.

MS. EFAW 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. EFAW SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MS. EFAW**

MS. EFAW SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. EFAW 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.

MS. EFAW 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.

MS. EFAW 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.

MS. EFAW 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.

MS. EFAW SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. EFAW SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. EFAW SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. EFAW SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. EFAW HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. EFAW IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. EFAW AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. EFAW SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF TWO (2) YEARS.

MS. EFAW SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. EFAW SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. EFAW 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. EFAW'S HISTORY. MS. EFAW SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. EFAW SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MS. EFAW 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. EFAW SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

DURING THE PROBATIONARY PERIOD, MS. EFAW 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. EFAW SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. EFAW'S HISTORY.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. EFAW 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. EFAW 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.

MS. EFAW 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. EFAW THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. EFAW SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. EFAW SHALL NOTIFY THE BOARD.

MS. EFAW 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. EFAW SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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 NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING. FURTHER, MS. EFAW IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. EFAW**

MS. EFAW SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. EFAW 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.

MS. EFAW 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.

MS. EFAW 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.

MS. EFAW 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.

MS. EFAW SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. EFAW 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.

PRIOR TO WORKING AS A NURSE, MS. EFAW SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**TEMPORARY PRACTICE RESTRICTIONS**

MS. EFAW 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) AS A NURSE 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. EFAW TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. EFAW 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. EFAW'S SUSPENSION SHALL BE LIFTED AND MS. EFAW'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. EFAW HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. EFAW VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. EFAW 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. EFAW HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. EFAW IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. EFAW AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. EFAW 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 ANGELA EFAW TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 113980 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 18<sup>TH</sup> DAY OF MAY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the May 2007 Board meeting.

**DEERWESTER, DAVID, C., TC 1 02440 (CASE #06-2205)**

IT WAS MOVED BY PATRICIA BURNS, SECONDED BY J. JANE MCFEE, IN THE MATTER OF DAVID DEERWESTER, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MR. DEERWESTER IN THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MR. DEERWESTER 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 THAT DAVID DEERWESTER'S TEMPORARY CERTIFICATE ONE TO PRACTICE AS A DIALYSIS TECHNICIAN IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS DAVID DEERWESTER TO SURRENDER HIS TEMPORARY CERTIFICATE ONE #02440 AND FRAMEABLE WALL CERTIFICATE IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 18<sup>TH</sup> DAY OF MAY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the May 2007 Board meeting.

**GILMOUR, PENNY, P.N. 067387 (CASE #06-1836)**

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY J. JANE MCFEE, IN THE MATTER OF PENNY GILMOUR, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. GILMOUR IN THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. GILMOUR 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 THAT PENNY

GILMOUR'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. GILMOUR SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF TWO (2) YEARS.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. GILMOUR SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. GILMOUR SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. GILMOUR 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. GILMOUR'S HISTORY. MS. GILMOUR SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. GILMOUR SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. GILMOUR SHALL, AT HER OWN EXPENSE, SEEK 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. GILMOUR SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER AND NOTICE OF AUTOMATIC SUSPENSION. FURTHER, MS. GILMOUR 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. GILMOUR 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. GILMOUR'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF SIX (6) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. GILMOUR 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. GILMOUR'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. GILMOUR SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. GILMOUR'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. GILMOUR INITIATING DRUG SCREENING, MS. GILMOUR 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. GILMOUR.

AFTER INITIATING DRUG SCREENING, MS. GILMOUR 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. GILMOUR 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.

MS. GILMOUR 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. GILMOUR SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MS. GILMOUR**

MS. GILMOUR SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. GILMOUR 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.

MS. GILMOUR 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.

MS. GILMOUR 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.

MS. GILMOUR 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.

MS. GILMOUR SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. GILMOUR SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. GILMOUR SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. GILMOUR SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. GILMOUR HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. GILMOUR IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. GILMOUR AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. GILMOUR SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF TWO (2) YEARS.

MS. GILMOUR SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. GILMOUR SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. GILMOUR 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. GILMOUR'S HISTORY. MS. GILMOUR SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. GILMOUR SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MS. GILMOUR 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. GILMOUR SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. GILMOUR'S HISTORY.

MS. GILMOUR 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. GILMOUR SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. GILMOUR 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. GILMOUR 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.

MS. GILMOUR 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. GILMOUR THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. GILMOUR SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

#### **EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. GILMOUR SHALL NOTIFY THE BOARD.

MS. GILMOUR 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. GILMOUR SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER AND NOTICE OF AUTOMATIC SUSPENSION 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. FURTHER, MS. GILMOUR IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER AND NOTICE OF AUTOMATIC SUSPENSION TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

#### **REPORTING REQUIREMENTS OF MS. GILMOUR**

MS. GILMOUR SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. GILMOUR 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.

MS. GILMOUR 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.

MS. GILMOUR 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.

MS. GILMOUR 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.

MS. GILMOUR SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. GILMOUR 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.

IF REQUESTED BY THE BOARD OR ITS DESIGNEE, PRIOR TO WORKING AS A NURSE, MS. GILMOUR SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**TEMPORARY PRACTICE RESTRICTIONS**

UNLESS OTHERWISE APPROVED IN ADVANCE BY THE BOARD OR BOARD DESIGNEE, MS. GILMOUR 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) AS A NURSE 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. GILMOUR TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

UNLESS OTHERWISE APPROVED IN ADVANCE BY THE BOARD OR BOARD DESIGNEE, MS. GILMOUR 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. GILMOUR'S SUSPENSION SHALL BE LIFTED AND MS. GILMOUR'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. GILMOUR HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. GILMOUR VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. GILMOUR 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. GILMOUR HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. GILMOUR IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. GILMOUR AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. GILMOUR 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 PENNY GILMOUR TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 067387 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 18<sup>TH</sup> DAY OF MAY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the May 2007 Board meeting.

**BARRETT, MICHAEL, S., R.N. 185931 (CASE #03-1627)**

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, IN THE MATTER OF MICHAEL BARRETT, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MR. BARRETT IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MR. BARRETT 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 THAT MICHAEL BARRETT'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IN

THE STATE OF OHIO IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN THREE (3) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW, AND THAT FOLLOWING REINSTATEMENT, MR. BARRETT SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF FIVE (5) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND PERMANENT NARCOTIC RESTRICTION SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MR. BARRETT SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MR. BARRETT SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MR. BARRETT 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. BARRETT'S HISTORY. MR. BARRETT SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MR. BARRETT SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MR. BARRETT SHALL, AT HIS OWN EXPENSE, SEEK 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. BARRETT SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER AND NOTICE OF OPPORTUNITY FOR HEARING. FURTHER, MR. BARRETT 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MR. BARRETT 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. BARRETT'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MR. BARRETT 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. BARRETT'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. BARRETT SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HIM BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MR. BARRETT'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MR. BARRETT INITIATING DRUG SCREENING, MR. BARRETT 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. BARRETT.

AFTER INITIATING DRUG SCREENING, MR. BARRETT 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. BARRETT 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.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MR. BARRETT 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. BARRETT SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MR. BARRETT**

MR. BARRETT SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MR. BARRETT 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.

MR. BARRETT 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.

MR. BARRETT 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.

MR. BARRETT 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.

MR. BARRETT SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MR. BARRETT SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MR. BARRETT SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MR. BARRETT SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MR. BARRETT HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MR. BARRETT IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MR. BARRETT AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MR. BARRETT SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF FIVE (5) YEARS.

MR. BARRETT SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MR. BARRETT SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MR. BARRETT 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. BARRETT'S HISTORY. MR. BARRETT SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MR. BARRETT SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

DURING THE PROBATIONARY PERIOD, MR. BARRETT 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. BARRETT SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HIM BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MR. BARRETT'S HISTORY.

MR. BARRETT 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. BARRETT SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MR. BARRETT 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. BARRETT 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.

MR. BARRETT 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. BARRETT THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MR. BARRETT SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MR. BARRETT SHALL NOTIFY THE BOARD.

MR. BARRETT 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. BARRETT 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. FURTHER, MR. BARRETT 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. BARRETT**

MR. BARRETT SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MR. BARRETT 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.

MR. BARRETT 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.

MR. BARRETT 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.

MR. BARRETT 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.

MR. BARRETT SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MR. BARRETT 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.

PRIOR TO WORKING AS A NURSE, MR. BARRETT SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**PERMANENT NARCOTIC RESTRICTION**

MR. BARRETT SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MR. BARRETT'S USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MR. BARRETT'S HISTORY) ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS. IN ADDITION, MR. BARRETT SHALL NOT COUNT NARCOTICS OR POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MR. BARRETT SHALL NOT CALL IN OR ORDER PRESCRIPTIONS OR PRESCRIPTION REFILLS.

**PERMANENT PRACTICE RESTRICTIONS**

MR. BARRETT 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) AS A NURSE 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. BARRETT TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MR. BARRETT 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. BARRETT'S SUSPENSION SHALL BE LIFTED AND MR. BARRETT'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MR. BARRETT HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MR. BARRETT VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MR. BARRETT 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. BARRETT HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MR. BARRETT IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MR. BARRETT AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MR. BARRETT DOES NOT WORK IN A POSITION FOR WHICH A NURSING LICENSE IS REQUIRED SHALL NOT COUNT TOWARD FULFILLING THE PROBATIONARY PERIOD IMPOSED BY THIS ORDER.

THE BOARD FURTHER ORDERS MICHAEL BARRETT TO SURRENDER HIS REGISTERED NURSE LICENSE #R.N. 185931 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 18<sup>TH</sup> DAY OF MAY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the May 2007 Board meeting.

**JASKELA, WILLIAM, D., P.N. 101238 (CASE #05-2642)**

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY J. JANE MCFEE, IN THE MATTER OF WILLIAM JASKELA, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MR. JASKELA IN THE NOTICE OF OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MR. JASKELA 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 THAT WILLIAM JASKELA'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO 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. JASKELA SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF THREE (3) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MR. JASKELA SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MR. JASKELA SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MR. JASKELA 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. JASKELA'S HISTORY. MR. JASKELA SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MR. JASKELA SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MR. JASKELA SHALL, AT HIS OWN EXPENSE, SEEK 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. JASKELA SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER AND NOTICE OF OPPORTUNITY FOR HEARING. FURTHER, MR. JASKELA 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MR. JASKELA 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. JASKELA'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MR. JASKELA 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. JASKELA'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. JASKELA SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HIM BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MR. JASKELA'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MR. JASKELA INITIATING DRUG SCREENING, MR. JASKELA 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. JASKELA.

AFTER INITIATING DRUG SCREENING, MR. JASKELA 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. JASKELA 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.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MR. JASKELA 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. JASKELA SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MR. JASKELA**

MR. JASKELA SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MR. JASKELA 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.

MR. JASKELA 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.

MR. JASKELA 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.

MR. JASKELA 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.

MR. JASKELA SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MR. JASKELA SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MR. JASKELA SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MR. JASKELA SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MR. JASKELA HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MR. JASKELA IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MR. JASKELA AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MR. JASKELA SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF THREE (3) YEARS.

MR. JASKELA SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MR. JASKELA SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MR. JASKELA 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. JASKELA'S HISTORY. MR. JASKELA SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MR. JASKELA SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

DURING THE PROBATIONARY PERIOD, MR. JASKELA 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. JASKELA SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HIM BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MR. JASKELA'S HISTORY.

MR. JASKELA 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. JASKELA SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MR. JASKELA 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. JASKELA 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.

MR. JASKELA 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. JASKELA THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MR. JASKELA SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MR. JASKELA SHALL NOTIFY THE BOARD.

MR. JASKELA 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. JASKELA 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. FURTHER, MR. JASKELA 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. JASKELA**

MR. JASKELA SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MR. JASKELA 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.

MR. JASKELA 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.

MR. JASKELA 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.

MR. JASKELA 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.

MR. JASKELA SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MR. JASKELA 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.

PRIOR TO WORKING AS A NURSE, MR. JASKELA SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**PERMANENT PRACTICE RESTRICTIONS**

MR. JASKELA 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) AS A NURSE 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. JASKELA TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MR. JASKELA 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. JASKELA'S SUSPENSION SHALL BE LIFTED AND MR. JASKELA'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MR. JASKELA HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MR. JASKELA VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HIS LICENSE. UPON RECEIPT OF THIS NOTICE, MR. JASKELA 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. JASKELA HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MR. JASKELA IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MR. JASKELA AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MR. JASKELA 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 WILLIAM JASKELA TO SURRENDER HIS LICENSED PRACTICAL NURSE LICENSE #P.N. 101238 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 18<sup>TH</sup> DAY OF MAY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the May 2007 Board Meeting.

**AMBURGY, RENAU, M., P.N. 085095 (CASE #02-0071)**

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY JUDITH BRACHMAN, IN THE MATTER OF RENAU AMBURGY, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. AMBURGY IN THE NOTICE OF OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. AMBURGY 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 THAT RENAU AMBURGY'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS RENAU AMBURGY TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #085095 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 18<sup>TH</sup> DAY OF MAY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the May 2007 Board meeting.

**DAYS, KATHY, M., R.N. 231225 (CASE #04-1978)**

IT WAS MOVED BY JUDITH BRACHMAN, SECONDED BY KATHLEEN O'DELL, IN THE MATTER OF KATHY DAYS, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. DAYS IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. DAYS 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 THAT KATHY DAYS' LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IN THE STATE OF OHIO IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN TWO (2) YEARS WITH THE CONDITIONS FOR

REINSTATEMENT SET FORTH BELOW, AND THAT FOLLOWING REINSTATEMENT, MS. DAYS SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW, FOR A MINIMUM PERIOD OF THREE (3) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND TEMPORARY NARCOTIC RESTRICTION SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. DAYS SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. DAYS SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. DAYS 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. DAYS' HISTORY. MS. DAYS SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. DAYS SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. DAYS SHALL, AT HER OWN EXPENSE, SEEK 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. DAYS SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. DAYS 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. DAYS 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. DAYS' LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. DAYS 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. DAYS' 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. DAYS SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. DAYS' HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. DAYS INITIATING DRUG SCREENING, MS. DAYS 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. DAYS.

AFTER INITIATING DRUG SCREENING, MS. DAYS 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. DAYS 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.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. DAYS 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. DAYS SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MS. DAYS**

MS. DAYS SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. DAYS 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.

MS. DAYS 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.

MS. DAYS 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.

MS. DAYS 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.

MS. DAYS SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. DAYS SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. DAYS SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. DAYS SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. DAYS HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. DAYS IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. DAYS AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. DAYS SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF THREE (3) YEARS.

MS. DAYS SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. DAYS SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. DAYS 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. DAYS' HISTORY. MS. DAYS SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. DAYS SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

DURING THE PROBATIONARY PERIOD, MS. DAYS 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. DAYS SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. DAYS' HISTORY.

MS. DAYS 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. DAYS SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. DAYS 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. DAYS 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.

MS. DAYS 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. DAYS THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. DAYS SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. DAYS SHALL NOTIFY THE BOARD.

MS. DAYS 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. DAYS SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. DAYS IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. DAYS**

MS. DAYS SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. DAYS 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.

MS. DAYS 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.

MS. DAYS 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.

MS. DAYS 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.

MS. DAYS SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. DAYS 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.

PRIOR TO WORKING AS A NURSE, MS. DAYS SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**TEMPORARY NARCOTIC RESTRICTION**

MS. DAYS SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MS. DAYS' USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. DAYS' HISTORY) ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS. IN ADDITION, MS. DAYS SHALL NOT COUNT NARCOTICS OR POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. DAYS SHALL NOT CALL IN OR ORDER PRESCRIPTIONS OR PRESCRIPTION REFILLS.

**PERMANENT PRACTICE RESTRICTIONS**

MS. DAYS 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) AS A NURSE 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. DAYS TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. DAYS 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. DAYS' SUSPENSION SHALL BE LIFTED AND MS. DAYS' LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. DAYS HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. DAYS VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. DAYS 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. DAYS HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. DAYS IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. DAYS AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. DAYS 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 KATHY DAYS TO SURRENDER HER REGISTERED NURSE LICENSE #R.N. 231225 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 18<sup>TH</sup> DAY OF MAY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the May 2007 Board meeting.

**CUNNINGHAM, TERESA, L., P.N. 114176 (CASE #05-1330)**

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY JANET L. BOECKMAN, IN THE MATTER OF TERESA CUNNINGHAM, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. CUNNINGHAM IN THE NOTICE OF OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. CUNNINGHAM 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 THAT TERESA CUNNINGHAM'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO 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. CUNNINGHAM SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF TWO (2) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. CUNNINGHAM SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. CUNNINGHAM 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**

WITHIN NINETY (90) DAYS FOLLOWING THE EFFECTIVE DATE OF THIS CONSENT AGREEMENT, MS. CUNNINGHAM SHALL ESTABLISH CONTACT WITH A NURSING EDUCATOR APPROVED IN ADVANCE BY THE BOARD WHO HAS NO LESS THAN A MASTER'S DEGREE AND WHO IS AFFILIATED WITH A NURSING EDUCATIONAL PROGRAM. FURTHER, MS. CUNNINGHAM SHALL HAVE THE EDUCATOR PROVIDE THE BOARD WITH A WRITTEN REPORT OF AN ASSESSMENT OF MS. CUNNINGHAM THAT IDENTIFIES ANY KNOWLEDGE/PRACTICE DEFICIENCIES AND REMEDIAL EDUCATIONAL NEEDS OF MS. CUNNINGHAM. PRIOR TO THE ASSESSMENT, MS. CUNNINGHAM SHALL PROVIDE THE NURSING EDUCATOR WITH A COPY OF THIS CONSENT AGREEMENT WITH ATTACHMENTS AND SHALL SUBMIT TO ANY NURSING SKILLS OR KNOWLEDGE ASSESSMENTS REQUIRED BY THE EDUCATOR. MS. CUNNINGHAM 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. CUNNINGHAM'S EMPLOYER(S), FORMER EMPLOYERS, AND BOARD STAFF. FOLLOWING THE

ASSESSMENT, MS. CUNNINGHAM SHALL HAVE THE EDUCATOR PROVIDE THE BOARD WITH A COPY OF A LEARNING PLAN DEVELOPED BY THE EDUCATOR FOR MS. CUNNINGHAM AND SHALL OBTAIN APPROVAL OF THE LEARNING PLAN BY THE BOARD OR A BOARD DESIGNEE. THE LEARNING PLAN SHALL IDENTIFY SPECIFIC REMEDIATION THAT MS. CUNNINGHAM 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. CUNNINGHAM SHALL COMPLETE SUCH LEARNING PLAN. MS. CUNNINGHAM 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. CUNNINGHAM HAS SUCCESSFULLY COMPLETED THE LEARNING PLAN, THE EDUCATOR SHALL PROVIDE TO THE BOARD AN ASSESSMENT AND ANY RECOMMENDATIONS FOR ADDITIONAL REMEDIAL EDUCATION AND/OR RESTRICTIONS THAT SHOULD BE PLACED ON MS. CUNNINGHAM'S LICENSE TO PRACTICE. FURTHERMORE, THE EDUCATOR SHALL PROVIDE TO THE BOARD A WRITTEN OPINION STATING WHETHER MS. CUNNINGHAM IS CAPABLE OF PRACTICING NURSING ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE. MS. CUNNINGHAM SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH MEETING THIS REQUIREMENT.

THE BOARD MAY UTILIZE THE EDUCATOR'S RECOMMENDATIONS AND CONCLUSIONS FROM THE ASSESSMENT AS A BASIS FOR ADDITIONAL TERMS, CONDITIONS, AND LIMITATIONS ON MS. CUNNINGHAM'S LICENSE.

MS CUNNINGHAM SHALL SUCCESSFULLY COMPLETE AND SUBMIT SATISFACTORY DOCUMENTATION OF HER SUCCESSFUL COMPLETION OF THE FOLLOWING CONTINUING NURSING EDUCATION: TEN (10) HOURS OF ETHICS AND TEN (10) HOURS OF DOCUMENTATION.

**REPORTING REQUIREMENTS OF MS. CUNNINGHAM**

MS. CUNNINGHAM SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. CUNNINGHAM 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.

MS. CUNNINGHAM 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.

MS. CUNNINGHAM 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.

MS. CUNNINGHAM 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.

MS. CUNNINGHAM SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. CUNNINGHAM SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. CUNNINGHAM SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. CUNNINGHAM HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. CUNNINGHAM IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. CUNNINGHAM AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. CUNNINGHAM SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF TWO (2) YEARS.

MS. CUNNINGHAM SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. CUNNINGHAM SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. CUNNINGHAM SHALL NOTIFY THE BOARD.

MS. CUNNINGHAM 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. CUNNINGHAM SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. CUNNINGHAM IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. CUNNINGHAM**

MS. CUNNINGHAM SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. CUNNINGHAM 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.

MS. CUNNINGHAM 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.

MS. CUNNINGHAM 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.

MS. CUNNINGHAM 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.

MS. CUNNINGHAM SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. CUNNINGHAM 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.

PRIOR TO WORKING AS A NURSE, MS. CUNNINGHAM SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**PERMANENT PRACTICE RESTRICTIONS**

MS. CUNNINGHAM 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) AS A NURSE 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. CUNNINGHAM TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. CUNNINGHAM 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. CUNNINGHAM'S SUSPENSION SHALL BE LIFTED AND MS. CUNNINGHAM'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. CUNNINGHAM HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. CUNNINGHAM VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. CUNNINGHAM 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. CUNNINGHAM HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. CUNNINGHAM IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE

WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. CUNNINGHAM AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. CUNNINGHAM 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 TERESA CUNNINGHAM TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 101238 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 18<sup>TH</sup> DAY OF MAY 2007. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. J. JANE MCFEE, KATHLEEN O'DELL AND JUDITH BRACHMAN OPPOSED. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the May 2007 Board meeting.

#### **WITHDRAWAL NOTICE OF OPPORTUNITY FOR HEARING**

##### **NORMAN, MICHAEL, S., R.N. 276717 (CASE #05-2322B)**

IT WAS MOVED BY LISA KLENKE, SECONDED BY PATRICIA BURNS, THAT THE BOARD WITHDRAW THE NOTICE OF OPPORTUNITY FOR HEARING THAT WAS ISSUED BY THE BOARD ON SEPTEMBER 25, 2006 FOR NORMAN, MICHAEL, S., R.N. 276717 (CASE #05-2322B). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX AND ANNE BARNETT ABSTAINED.

#### **MONITORING**

##### **LIFTS OF SUSPENSION/PROBATIONS**

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY PATRICIA BURNS, THAT THE FOLLOWING, HAVING MET THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS WITH THE BOARD, WITH THE RECOMMENDATION BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS, BE RELEASED FROM THEIR CONSENT AGREEMENTS: MILLER, GAIL, P.N. 103610 (CASE #03-0659); ZHANG, HUA, R.N. 290272 (CASE #05-1471); CAMPBELL, ABBEY, L., R.N. 324804 (CASE #06-0078); BARRETT, BARBARA, J., R.N. 184814 (CASE #98-0936); HUNTER, PIAJ, A., P.N. 117728 (CASE #04-1581); BOEHLER, KAREN, L., R.N. 250564 (CASE #98-0165); STENGER, JOANN, M., P.N. 032684 (CASE #05-3235); SZABO, JENNIFER, A., R.N. 324008 (CASE #06-0079); DENNIS, MISTY, D., P.N. 121879 (CASE #06-0066); ABRAMS, GREGORY, L., P.N. 121877 (CASE #05-3050); WRIGHT, DANIEL, L., P.N. 085490 (CASE #04-1318); DAVIS, CRYSTAL, G., R.N. 316857

(CASE #04-1385); HANCOCK, CHRISTINA, M., R.N. 324007 (CASE #05-3343); SMITH, DEANNA, R.N. 243601 (CASE #05-3563); LEWIS, SANDRA, L., P.N. 065608 (CASE #03-1565); SHUMARD, JENNY, R., R.N. 290338 (CASE #04-0290) AND HUNTER, DANNA, D., P.N. 083623 (CASE #04-1750). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED ON ALL CASES.

**LIFTS OF SUSPENSION/PROBATION - EARLY RELEASE**

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY ANNE BARNETT, THAT THE FOLLOWING, HAVING MET THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS WITH THE BOARD, BE RELEASED EARLY FROM THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS. THESE RELEASES HAVE BEEN RECOMMENDED BY DEBRA BROADNAX SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: NORMAN, JACQUELINE, K., R.N. 293834 (CASE #03-0815); YODER, HILARY, M., P.N. 104051 (CASE #05-0878); ROSSOS, VALERIE, J., R.N. 179023 (CASE #02-1382) AND RIES, SISTER JEANNE, C., R.N. 154035 (CASE #04-0308). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED ON ALL CASES.

**LIFTS OF SUSPENSION/PROBATION - ONLY PERMANENT WORK RESTRICTION(S) REMAINS**

IT WAS MOVED BY PATRICIA BURNS, SECONDED BY ANNE BARNETT, THAT THE FOLLOWING, HAVING MET THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS WITH THE BOARD, BE RELEASED FROM THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS, WITH THE EXCEPTION OF THE PERMANENT PRACTICE RESTRICTION(S) THAT WILL REMAIN IN EFFECT. THESE RELEASES HAVE BEEN RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: DUNN, LISA, A., R.N. 321439 (CASE #05-1167), PETERS, VANESSA, A., P.N. 118634 (CASE #05-0565) AND BROWN, MARQUITA, L., P.N. 118627 (CASE #05-0086). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED ON ALL CASES.

**LIFTS OF SUSPENSION/PROBATION - EARLY RELEASE - PERMANENT WORK RESTRICTION(S) REMAINS**

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY J. JANE MCFEE, THAT THE FOLLOWING, HAVING MET THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS WITH THE BOARD, BE RELEASED EARLY FROM THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS, WITH THE EXCEPTION OF THE PERMANENT LICENSURE RESTRICTION(S) THAT WILL REMAIN IN EFFECT. THESE RELEASES HAVE BEEN

RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: ROBERTS, JILL, D., R.N. 191977 (CASE #03-0805) AND CASE, ESTHER, B., P.N. 118132 (CASE #04-2472). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED ON ALL CASES.

**LIFT OF NARCOTIC RESTRICTIONS**

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY JUDITH BRACHMAN, THAT THE FOLLOWING BE RELEASED FROM THEIR NARCOTIC RESTRICTIONS WITHIN THEIR RESPECTIVE CONSENT AGREEMENTS. THESE RELEASES HAVE BEEN RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: KLUSTY, GAIL, P., P.N. 062738 (CASE #06-0008); HATTON, SHERRI, M., P.N. 093716 (CASE #04-1258); TERRY, BARBARA, A., R.N. 298684 (CASE #05-0816); LANCASTER, STEPHANIE, R., P.N. 100076 (CASE #03-1209) AND MADDOX, REGINA, R.N. 280975 (CASE #06-0259). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED ON ALL CASES.

**LIFT OF NARCOTIC RESTRICTIONS - EARLY RELEASE**

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE FOLLOWING BE RELEASED EARLY FROM THE NARCOTIC RESTRICTION WITHIN HER RESPECTIVE CONSENT AGREEMENT. THIS RELEASE HAS BEEN RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: HALL, JIMMIE, C., P.N. 124890 (CASE #06-1861). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED.

**LIFT OF PRACTICE RESTRICTION**

IT WAS MOVED BY LISA KLENKE, SECONDED BY PATRICIA BURNS, THAT THE FOLLOWING HAVING MET THE TERMS AND CONDITIONS OF THE CONSENT AGREEMENT WITH THE BOARD BE RELEASED FROM HIS PRACTICE RESRICTION WITHIN HIS RESPECTIVE CONSENT AGREEMENT. THIS RELEASE HAS BEEN RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: COTTERMAN, TERESA, M., R.N. 243870 (CASE #03-1865). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED.

**LIFT OF NARCOTIC RESTRICTION & RN ON-SITE WORK RESTRICTION**

IT WAS MOVED BY ANNE BARNETT, SECONDED BY ELIZABETH BUSCHMANN, THAT THE FOLLOWING HAVING MET THE TERMS AND CONDITIONS OF THE CONSENT AGREEMENT WITH THE BOARD BE RELEASED FROM HER NARCOTIC RESRICTION AS WELL AS THE PRACTICE RESTRICTION TO ONLY WORK IN SETTINGS WHERE THERE IS A RN SUPERVISOR ON-SITE AT ALL TIMES WITHIN HER RESPECTIVE CONSENT AGREEMENT. THESE MODIFICATIONS HAVE BEEN RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: SETTY, JEANETTE, M., R.N. 231016 (CASE #02-0295). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED.

**LIFT OF RESTRICTION - CERTIFICATE TO PRESCRIBE (CTP)**

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY JUDITH BRACHMAN, THAT THE FOLLOWING HAVING MET THE TERMS AND CONDITIONS OF THE CONSENT AGREEMENT WITH THE BOARD BE RELEASED FROM THE RESRICTION ON THE CERTIFICATE TO PRESCRIBE WITHIN HER RESPECTIVE CONSENT AGREEMENT. THIS RELEASE HAS BEEN RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: PARKS, LISA, S., R.N. 167394 RX 00194 (CASE #05-2871). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED.

**REINSTATEMENT REQUEST – CONSENT AGREEMENT CONDITIONS**

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE FOLLOWING HAVING MET THE REQUIREMENTS FOR LICENSE REINSTATEMENT CONTAINED WITHIN THE JANUARY 19, 2007 CONSENT AGREEMENT WITH THE BOARD, BE REINSTATED SUBJECT TO THE TERMS AND CONDITIONS OF PROBATION CONTAINED WITHIN THE CONSENT AGREEMENT. THIS REINSTATEMENT HAS BEEN RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: FRYER, KIMBERLY, A., R.N. 228090 (CASE #06-3144). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED.

**LIFT OF SUSPENSION/PROBATION EARLY – PERMANENT WORK AND NARCOTIC RESTRICTIONS REMAIN**

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY J. JANE MCFEE, THAT THE FOLLOWING HAVING MET THE TERMS AND CONDITIONS OF THE CONSENT AGREEMENT WITH THE BOARD, BE RELEASED EARLY FROM THE TERMS AND CONDITIONS OF HER RESPECTIVE CONSENT AGREEMENT, (WITH THE EXCEPTION OF THE PERMANENT PRACTICE AND NARCOTIC RESTRICTION(S) THAT WILL REMAIN IN EFFECT. THIS RELEASE HAS BEEN

RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: FERDON, GIDGET, S., R.N. 268452 (CASE #03-0843). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL AND ERIC YOON WERE ABSENT. DEBRA BROADNAX ABSTAINED.

## **Other**

### **Disciplinary Protocols**

L. Ferguson-Ramos reviewed the revisions to the Discipline Priorities and the Complaint and Discipline Protocol based on the discussions and recommendations at the Board Retreat.

D. Broadnax stated she believes that individuals who have a positive cocaine screen should be suspended rather than placed on probation due to the type of addiction, relapse potential and the threat to public safety. T. Williams suggested imposing a stayed suspension with probation for a two-year period, but require the licensee or certificate holder to submit ninety days of clean urine drug screens before returning to practice. This would also eliminate the requirement for a second Consent Agreement.

J. Brachman stated her concerns with cases involving patient abuse that do not include a suspension. P. Burns agreed with J. Brachman's concerns. J. Brachman suggested a one-year suspension or times could vary depending upon the seriousness of each case. L. Ferguson-Ramos stated that it also would depend on the strength of the evidence and witnesses. She suggested that the guidelines and priorities would need to be reviewed. C. Krueger suggested that the guidelines be reviewed and J. Brachman agreed with this type of review to be done.

D. Broadnax asked about protocols regarding APNs who prescribe outside of the formulary, beyond their scope, or to co-workers. L. Ferguson-Ramos stated these drafts would be provided to the Board for review.

L. Ferguson-Ramos reported that staff made recommendations, during the Investigator's Retreat, to revise the questionnaire response form sent to licensees. The changes will be made to the form and provided to the Board for review.

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD APPROVE THE PROTOCOL FOR THE PROCESSING AND DISPOSITION OF COMPLAINTS, AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

## **REPORTS TO THE BOARD**

### **Board Committee Reports**

#### **Ohio Center for Nursing**

E. Buschmann, Chair of the Board Committee on the Ohio Center for Nursing, distributed the minutes of the January 19, 2007 meeting and reported on the May 18, 2007 meeting. The Committee received an update from E. Mays regarding the development of the web site for the Center for Nursing. Jane Mahowald, Ohio League of Nursing, volunteered to work on a guideline regarding posting information on the website. The five hundred dollar fee to join the National Forum of Nursing Centers will be paid from the Special Issues Fund after the web site is implemented. The group reviewed questions for the workforce survey to be conducted by the Board and discussed the use of SurveyMonkey™. NCSBN will provide an analysis of the survey data. The Committee's target date for the survey is Fall 2007. This committee will meet again at noon on Friday, July 20, 2007. E. Buschmann thanked B. Houchen and J. Mahowald for their contributions.

#### **Board Committee - Practice**

L. Klenke, Chair of the Board Committee on Practice, reported on the meeting held Thursday, May 17, 2007. She commended the staff for an excellent job of drafting an Interpretative Guideline regarding moderate sedation based on the public comments. Questions continue to be raised by the Ohio State Association of Nurse Anesthetists (OSANA), the state trade association representing CRNAs, because they believe that administration of anesthetic agents should be restricted to anesthesia providers such as CRNAs and anesthesiologists. On the other hand, the Board has heard from many providers and health care institutions that registered nurses administer anesthetic agents for the purposes of inducing moderate sedation in certain circumstances. In certain settings, particularly in emergency departments, not allowing registered nurses to administer anesthetic agents could result in patient harm because the registered nurse would need to administer the medication in order for the physician to quickly and safely engage in required activities, such as rapid sequence intubation of patients. L. Klenke believes that an important distinction is that the Board is looking at how registered nurses administer a drug based on the intended purpose of the drug, and the IG will not address an entire drug classification.

L. Klenke stated that agreement on these issues might not be easy; however, she believes they can make recommendations to complete this IG. J. Boeckman stated that she supports a thorough review and slower process for the development of the IG. D. Broadnax asked that Board staff verify the information when participants cite various studies at the Committee meeting.

L. Klenke stated that after the meeting she and L. Emrich discussed researching nurses administering propofol and related competency requirements for airway management and rescue airway management. This may address concerns

regarding patient safety and the competency of the registered nurse administering moderate sedation. L. Klenke reported that she has offered to continue discussions with OSANA representatives.

C. Krueger thanked L. Klenke for doing a wonderful job chairing this group and stated they have made good progress to balance nursing practice and patient safety. This Committee will meet again at noon on Thursday, July 19, 2007.

### **Request to Consider PICC Line Verification by RNs**

The Board received two written requests for its opinion regarding whether it is within the scope of practice for a registered nurse to verify through reading the patient's x-ray that a peripherally inserted central catheter (PICC) is placed correctly prior to being used for the infusion. Joann L. Rinella, RN, BSN, CRNI, of Mount Carmel East Hospital, Columbus, and Brenda McKay RN, CRNI, of The Christ Hospital, Cincinnati, provided materials to the Board on this topic. Both individuals addressed the Board during Open Forum. (Please refer to the Open Forum section of the minutes for a review of the full discussion on this topic.)

### **Advisory Group Reports**

#### Nursing Education

In K. Driscoll's absence, J. Boeckman reported on the Advisory Group on Nursing Education meeting held in April 2007. The Advisory Group discussed potential Chapter 5 administrative rule revisions and agreed with decreasing the duration of the survey visits, as discussed at the Board Retreat. The Advisory Group also discussed working with new faculty to help them learn the role of teaching in clinical settings, mentoring and teaching assistants.

B. Houchen reported that Senator Cates asked a question during her budget testimony about qualifications of faculty required by the administrative rules. He stated that a constituent working in home care suggested that the faculty shortage may be because faculty were required to obtain a bachelor's degree. B. Houchen responded in a letter clarifying the requirements for various programs and stated that staff would bring this question to the Board and to the Advisory Group for discussion. In the meantime, ONA has been in contact with Senator Cates and suggested this as a topic for the proposed Legislative Study Committee.

The Board began a discussion regarding the shortage of faculty, problems in finding clinical placements, and the number of applicants that programs cannot accept. J. Boeckman stated she believes these are regional issues as she sees differences between her area of the state and other areas. C. Krueger stated in her area they commonly have waiting lists to enter programs and they could admit more students if they had more clinical sites. There are also salary issues for masters' prepared faculty. J. Brachman asked the Board to consider seeking a grant to research these issues. ONA's proposal in the budget bill for a Legislative

Study Committee could address these issues. The Board would have a seat on the Committee, if established. E. Buschmann added that the Workforce Survey would also provide some helpful data. J. Jane McFee stated she is hearing rumors about discontinuing licensed practical nurses in Ohio when she knows this is not the case. J. Brachman requested that B. Houchen present a proposal to deal with these issues if the Legislative Study Committee is not established.

#### Advisory Group on Dialysis

D. Broadnax highlighted the topics discussed in the Advisory Group on Dialysis meeting held in April 2007. At the meeting, the Advisory Group discussed the registry and the other issues brought forward from the Board. She believes there is the potential to issue one temporary certificate and eliminate the other two temporary dialysis certificates.

H. Fischer distributed a written memo regarding IV Therapy Statute/Pediatric Dialysis, as discussed at the Retreat. The Board asked that the discussion be followed-up in writing to clarify how the Nurse Practice Act addresses whether LPNs can provide dialysis care to pediatric patients. The statute can be interpreted to be either permissive or restrictive and H. Fischer asked for the Board's intent so she could take it back to the June Advisory Group meeting for discussion. Following discussion, the Board agreed by general consensus that their position regarding their interpretation is permissive. This will be clarified with the Advisory Group at its June meeting.

#### **AAG Research on Dialysis Issues**

AAG Kathy Bockbrader reported that the Advisory Group on Dialysis requested that she review the practice of "backdating" Dialysis Technician Temporary Certificates (TCs). She stated that the current process is that a trainee completes an eight-week training program and then applies for a TCI. When a TCI is issued, the date of entrance to the eight-week training program is used as the date to determine the ending date of the TCI (eighteen months). The Advisory Group requested that K. Bockbrader review the legality of this practice.

K. Bockbrader stated the statute currently allows for this process and that she was unable to find any specific case law relating to this practice because it is so unusual. No other Ohio boards or commissions that issue temporary certificates handle the certificates in this manner. Members of the Advisory Group meeting provided information as to why they believed this practice was originally initiated.

1. Dialysis representatives believed it was important the Board have jurisdiction over dialysis trainees. K. Bockbrader stated that in her opinion, this is not necessary because the law provides for the limited ability to practice for those trainees under the supervision of an RN or who ever else would be involved in training, similar to nursing students who can only practice as part of their clinical programs under the supervision of faculty

and/or licensed nurses. The potential for harm to a patient by a nursing student is possible, and the potential for harm to a patient by a dialysis trainee is possible as well. K. Bockbrader stated there is not a legal requirement to have jurisdiction over a person who is training in that role for that eight-week training period.

2. Dialysis representatives believed that backdating or using the date of entering the training program would prevent dialysis trainees from discontinuing one training program and starting another training program(s) that would thereby allow them to continue to “hop” from training program to training program. K. Bockbrader recommended this issue could be resolved without placing the dialysis trainees under Board jurisdiction and using the date of entry in the training program to determine the effective date of the TC1. She recommended that after completing the eight-week training program, the individual would apply for a TC1 and report the total time enrolled in a training program(s). This amount of time would be deducted from the eighteen-month effective period of the TC1, thereby serving as an incentive for an individual to complete a training program rather than “hop” from program to program. This would require a law change, but it would be consistent with the current statutory requirement for dialysis technicians endorsing into Ohio from other jurisdictions. K. Bockbrader believes the Advisory Group felt that there was a real need for dialysis trainees to have an incentive to complete by a certain date and not to hop to other training programs because the trainees are losing time on their next TC and it would be beneficial to prevent them from moving around.

#### Advisory Group on Continuing Education (CE) Approvers

L. Klenke thanked L. Halliburton for her work with the CE Advisory Group and highlighted the topics discussed at the meeting. The group discussed if there should be a minimum amount of time, such as 0.5 contact hours, that is acceptable for CE because some online programs offer tenths of an hour increments. Also, the Board’s definition of contact hour has been 50-60 minutes. LPNAO reported that their Board now recommends 60 minutes. The Advisory Group is also recommending 60 minutes, which will be easier to monitor. If this change were made, the rules revision would need to include a grandfathering clause for CE courses that are currently being offered. Also, the Advisory Group recommended adding language in the rules that a presenter developing a first time presentation could receive CE credit when the program is in a “self-learning” module. During the Board Retreat, it was suggested that various approaches be provided to provide CE on the Nurse Practice Act and administrative rules, Category A continuing education. The approver units agreed to encourage providers to do this.

Another issue discussed was regarding the renewal application. In the past, if a license holder did not answer the CE renewal question correctly, they were issued a renewal license and then audited. The Advisory Group agreed that a renewal application is incomplete if the continuing education requirements are not met.

#### Committee on Prescriptive Governance (CPG)

In Eric Yoon's absence, L. Emrich highlighted the topics discussed in the Committee on Prescriptive Governance meeting. Jacalyn Golden, Chair of the Committee on Prescriptive Governance, chaired the meeting and A. Rettig and L. Emrich staffed the meeting. The group discussed how new medications are reviewed for the APN Formulary using information in the publication, "*Facts and Comparisons*." There was also a discussion about changing the definition of "Physician Initiated" in the APN Formulary and a copy of the related Medical Board rule was distributed. The Committee on Prescriptive Governance is supportive of revising the definition of "Physician Initiated" medications. L. Emrich distributed a list of the "Physician Initiated" drugs as requested during the Open Forum discussion.

The Committee on Prescriptive Governance also is enthusiastic about changing the APN Formulary to a database system for ease of use and maintenance. Board practice and IT staff are currently working on this change.

#### **Open Forum – 10:00 a.m. Friday, May 18, 2007**

1. Susan Yeager, representing the Ohio Association of Advanced Practice Nurses (OAAPN), addressed the Board regarding proposed Schedule II legislation. Ms. Yeager reviewed the changes in the draft bill that will be sponsored by Senator Oelslager. OAAPN hopes the bill will be introduced in the next couple of weeks. She reported that the Committee on Prescriptive Governance is supportive of the bill. The Board asked about potential opposition to the bill and OAAPN reported that they have met with the Ohio State Medical Association (OSMA) and reviewed the bill, however, OAAPN still expects opposition from OSMA. She noted that many physicians are also proponents of the bill. Following discussion; the Board asked staff to continue to work with OAAPN regarding clarifying language in the draft bill.
2. Jacalyn Golden, Chair of the Committee on Prescriptive Governance, addressed the Board regarding the APN Formulary and distributed a written memorandum proposing to amend the administrative rules regarding the definition of "Physician Initiated" (PI) medications. J. Golden stated that with the proposed change, the physician would continue to be required to have physically examined the patient during the course of treatment; however, it would allow the APN to prescribe the PI medications after a discussion with the collaborating physician, but without the physician again examining the patient. She stated it should decrease the need for verbal orders and provide for more efficient and appropriate utilization of physician time. The Committee on

Prescriptive Governance is requesting that the Board accept the proposed definition of PI and amend the necessary rules. J. Golden provided copies of letters from the Cleveland Clinic and Janice Lanier, ONA, in support of the proposed changes. She also provided sections of the Federal Register (Part II November 27, 2006) referencing the use of verbal orders.

A. Barnett requested a list of PI drugs. (L. Emrich provided a list to the Board during the Friday meeting.) D. Broadnax asked how PI is different than physician consultation. J. Golden stated that with physician consult, there is only verbal consultation with the physician. L. Klenke asked if the PI category could be eliminated, and J. Golden responded that she did not believe this category should be eliminated yet.

B. Houchen stated that the Board could discuss this again at the July meeting and consider amending the rules during the review process used for the five-year review rules. Following discussion, the Board asked staff to provide additional research and information for further consideration of this matter.

3. Brenda McKay, RN, CRNI, from The Christ Hospital, addressed the Board to request the Board consider allowing specially trained registered nurses to interpret the location of the PICC line tip through reading the radiographic film. Final verification of the tip position would be made by the radiologist and occur within twenty-four hours of the nurse's interpretation of the PICC placement. She distributed information from the Oregon State Board of Nursing that allows this procedure, an article regarding the implementation of the practice in a hospital setting with an in-house certification program, and a draft hospital policy and procedure. Board members asked questions for clarification.
4. Joann Rinella, from Mt. Carmel Hospital Medical System, addressed the Board regarding the same issue as Brenda McKay. J. Rinella stated she would like to have the Board issue an Interpretative Guideline allowing specially trained registered nurses to interpret the location of the PICC line tip through reading the radiographic film. L. Klenke asked about the facility credentialing RNs, as she believes there would have to be special credentialing.

L. Emrich stated the Board has been receiving this question more frequently. In the past, the Board response has been that this is diagnostic and it is the practice of medicine. She stated registered nurses inserting PICC lines is a national trend; however, and some states also allow registered nurses to read the x-ray to verify PICC line placement to authorize the PICC line's use. The radiologist conducts the final diagnostic reading within twenty-four hours. J. Brachman asked for clarification about the use of the line. L. Emrich stated it is used for long-term IV therapy and is inserted at a peripheral location, but the end point is in a central vein near the heart. E. Buschmann expressed concern that the final determination by the radiologist to verify correct placement is not

required for twenty-four hours after the RN's interpretation and asked if the radiologist could read it sooner using the technology available. She stated she has seen patients have serious complications when the line is not correctly placed. J. Jane McFee agreed with these concerns. L. Emrich added that this practice could be within the APN scope of practice for APNs who were properly educated and credentialed, and that an interpretation of an x-ray is a different skill than the insertion of a PICC line.

L. Klenke stated that the Practice Committee could address this request or the Board could address the question during the Board meeting. C. Krueger commented that more information might be needed. H. Fischer stated that another question would be whether this is the practice of medicine. L. Klenke agreed with H. Fischer. J. Brachman asked for information concerning requirements of other states that allow this, especially information on competency testing and guidelines.

Following the discussion, the Board asked staff to contact the Medical Board regarding the matter and provide additional research and information for further consideration of the matter.

5. Alan Moody, a concerned parent, addressed the Board regarding the University of Toledo's testing policies in their pre-licensure nursing education program. Mr. Moody distributed his written presentation and provided information regarding the "Basic BSN Track." Board members asked questions for clarification. The Board acknowledged that each nursing program establishes its own policies for testing, and the Board recommended Mr. Moody address his concerns and seek resolution through the grievance process established by the University. A. Moody stated he and other concerned parents have talked with the Dean, but had not used the formal grievance procedure yet.

D. Broadnax asked about the correlation with passing the NCLEX and the testing the program is using. C. Krueger stated that the testing data shows there is a high predictability for how well students will perform on NCLEX. The Board expressed an interest in obtaining additional information regarding the use of such testing by pre-licensure nursing programs and will ask that the programs provide data through their annual reporting to the Board.

## **Other Reports**

### TERCAP and Patient Safety

The Board received the TERCAP "Guidelines for Instrument Use" during the Board Retreat. During the Board meeting, L. Emrich distributed a TERCAP short form version and provided a review of the information. Some questions were raised concerning HIPAA and staff has asked NCSBN to provide a legal opinion regarding confidentiality related to the HIPAA regulations. L. Emrich reported that she would collect the TERCAP data based on the investigators' report. L. Emrich also stated

that each Board has to determine how TERCAP “fits” within its states’ regulations, because in some states, such as Ohio, investigative data is confidential, while in other states, the data is not confidential. L. Klenke stated she believes it is critical to review the data and learn from it. Nurses are a central point for patient care and while errors may start in other areas, often the error ends with the nurse. She believes the Board can be proactive by providing data and what is learned through TERCAP to promote patient safety. L. Emrich stated that the composition of future TERCAP committees has been discussed, noting the important role nurse researchers could serve in planning for the analysis of data.

### **GENERAL INFORMATION (FYI)**

President Krueger identified the general information items and asked if there are questions. There were no questions from the Board.

### **BOARD GOVERNANCE**

#### **Board Appointments For Advisory Group On Dialysis**

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY J. JANE MCFEE, THAT THE BOARD APPOINT THE FOLLOWING MEMBERS TO THE ADVISORY GROUP ON DIALYSIS WITH TERMS ENDING DECEMBER 31, 2008: DIANE WISH, RENAL NETWORK REPRESENTATIVE AND JAMES DINEEN, DIALYSIS PATIENT REPRESENTATIVE. THE MOTION WAS ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

#### **Discussion Regarding Board Appointments and Desired Representation**

C. Krueger began a discussion regarding Board member appointments and desired representation. Three Board members have terms that expire in 2007: Teresa Williams, Cynthia Krueger and Judith Brachman. J. Brachman has served two terms and therefore is not eligible for reappointment. C. Krueger and T. Williams both stated that they would seek reappointment. B. Houchen asked if the Board wished to send a letter to the Governor in support of the reappointments. The Board agreed by general consensus to send a letter. B. Houchen agreed to communicate with the Governor’s office about the appointment of another consumer member. J. Brachman suggested that in the future, the Board consider increasing the number of consumer members by two.

#### **Designate Delegates and Alternates For NCSBN Annual Meeting and Confirm Others Attending**

C. Krueger began a discussion regarding designating delegates and alternates for the NCSBN Annual Meeting and Delegate Assembly. She confirmed that L. Klenke, K. O’Dell, and J. Jane McFee are still interested in attending. The Board agreed by general consensus that C. Krueger and B. Houchen will serve as delegates and L. Klenke and H. Fischer will serve as alternates. C. Krueger reported that NCSBN has informed delegates that NCSBN will hold an Executive Session during the meeting this year.

**Ethics Training (See Retreat Materials)**

H. Fischer presented Ethics Training for the Board. She reminded Board members that travel points accrued during the course of travel for Board business cannot be converted for personal use. H. Fischer discussed public records, gifts, employment related restrictions, and confidentiality. She reminded Board members that even after their terms ended as Board members that the confidentiality provisions of the law would still bind them. She discussed that Board members should not be in officer or leadership positions of professional associations, composed of licensees or certificate holders regulated by the Board, due to a potential conflict of interest. She reminded the Board that each year each person is responsible for completing and submitting a Financial Disclosure Statement. She reviewed that there are criminal penalties for ethic law violations.

H. Fischer reviewed the Executive Order 2007-09S, Meal Expenditures, noting that state agencies are prohibited from expending state funds for meals and meal-related expenditures, other than costs covered by state travel policies.

**Set Retreat Dates For 2008 and 2009**

The Board scheduled Board Retreat dates for April 14-15, 2008 and April 16-17, 2009. Board members commented that the Retreat was well organized, they appreciated the notebook organizing the materials, and the accommodations were good.

**NCSBN Mid-Year Meeting Report**

C. Krueger reported that she and B. Houchen attended a session for Presidents and Executive Directors on Monday prior to the beginning of the Mid-Year Meeting. A speaker spoke about thinking and working "outside the box." She reported that in general, the meeting was collegial and there was a sense that NCSBN was "listening" more to concerns raised by the states, a difference from the last few meetings. C. Krueger reported on the Medication Aide Report given at the meeting and provided a handout regarding the model curriculum. D. Broadnax reported that the certification of dialysis technicians is an issue for many states at this time.

**Executive Order 2007-09S, Meal Expenditures**

The Board received the Executive Order 2007-09S. In light of the Executive Order, the Board discussed revising the Board Fund policy.

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY J. JANE MCFEE, THAT THE BOARD ADD (A) (7) TO BOARD FUND POLICY 4723-B-007 AS FOLLOWS: 7) TO PURCHASE FOOD FOR BOARD RECEPTIONS OR OTHER EVENTS DEEMED APPROPRIATE. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

K. O'Dell reported that there is a balance of \$685.00 in the Board fund. She stated the fund is comprised only of money donated by individual Board members and does not include any type of state funding. K. O'Dell reported that the November Board dinner is planned for Schmidt's in German Village.

**Evaluation of Meeting/Recommendations For Next Meeting**

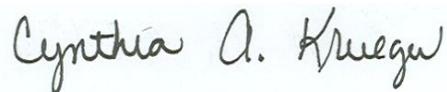
J. McFee commended C. Krueger for facilitating a smooth and productive meeting. E. Buschmann thanked the staff for the work that they do to make things run so smoothly. D. Broadnax thanked the Compliance Unit for completing a large volume of work and stated she appreciates their work. She acknowledged that at times the Board received Consent Agreements just prior to the Board meeting, but staff is working to complete and submit as many Consent Agreements as possible for Board consideration for action when violations have occurred.

L. Klenke requested an updated version of the Nurse Practice Act and the administrative rules for the laptops and B. Houchen responded the staff would provide it for Board members.

**ADJOURNMENT**

The meeting was adjourned at 3:40 p.m. on May 18, 2007.

Cynthia Krueger, RN, MSN  
President



Attest:

Betsy Houchen, RN, MS, JD  
Secretary

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